

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 7, 2002
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Lambke, Pisciotte, present. Council Members Gale, *Martz; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Ms. Judith Press, Mid-Kansas Jewish Federation, 400 North Woodlawn, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of April 16, 2002, were approved 6 to 0. (Gale absent)

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously approved were presented.

SERVICE CITATION Distinguished Service Citations were presented.

*Council Member Martz present.

UNFINISHED BUSINESS

ASBESTOS WASTE ASBESTOS WASTE DISPOSAL: BROOKS C & D LANDFILL. (District VI)
(Continued from November 20, 2001)

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No. 01-1219B

When the City converted the Brooks Landfill from a municipal waste landfill to a construction and demolition waste landfill the permit modification application included the disposal of friable asbestos waste. Subsequent to the issuance of a permit modification for the site by the Kansas Department of Health and Environment (KDHE), the KDHE determined that a separate permit modification and disposal cell for friable asbestos waste would be required for the site.

The City Council considered the issue of asbestos waste disposal at its meeting of November 6 and November 20, 2001. The direction from the Council was to work with our operating contractor, Herzog Environmental Inc., to secure a permit modification to allow for disposal of asbestos waste in a monofill cell.

Staff has worked with Herzog Environmental to secure a permit modification that will allow for the disposal of friable asbestos waste in a dedicated cell at the site. The asbestos monofill will be located between municipal solid waste cells B and C in the northeast portion of the Brooks site. Historically the Brooks site received a total of about 750 tons of asbestos (total for both friable and non-friable) per

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year. This waste came from abatement sites across the state. The Brooks site would once again be available on this basis to serve the disposal needs of local contractors who do work across the state.

The amount of asbestos waste that will be received at the site is subject to change based on the amount of asbestos abatement work done in the community and the share of this waste that goes to the Brooks site as opposed to other disposal sites both local and regional. There are no other permitted disposal sites for friable asbestos in the Wichita area at this time.

Historically disposal-tipping fees at the Brooks Landfill have been in dollars per ton. For friable asbestos waste disposal, the industry standard is to charge in dollars per cubic yard. The charge for the disposal of friable asbestos will be set at \$25 per cubic yard. This amount will include the surcharge for the disposal authorization (at \$11 per ton) and the City disposal surcharge (at \$9 per ton). A survey of other regional landfills in the state found disposal-tipping fees typically in the \$20 - \$25 per cubic yard. The proposed charge is reasonable for an asbestos monofill as the other sites are co-disposing in municipal solid waste cells.

A permit modification to allow for the disposal of friable asbestos has been issued to the City by the KDHE. The City must abide by the terms of the permit as must our site contractor.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the site contractor be authorized to construct and operate a friable asbestos waste monofill at the Brooks Landfill site; and the \$25 disposal fee per cubic yard be approved. Motion carried 6 to 0. (Gale absent)

-- carried

ELECTION

REGIONAL EVENTS FACILITY ELECTION ORDINANCE.

(Continued from April 16, 2002)

Chris Cherches

City Manager requested that, due to recent legislative action, this Item be deferred.

Motion -- carried

Pisciotte moved that this Item be deferred. Motion carried 6 to 0. (Gale absent)

(Addendum 2A)

(This Item was taken up out-of-order; action is shown in Agenda order.)

MUN. CT. JUDGES

POLICY ON EVALUATION PROCEDURES FOR MUNICIPAL COURT JUDGES.

(Continued from April 9, 2002)

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 02-1222B

As a result of a study conducted to establish formalized procedures to evaluate the performance and reappointment of municipal court judges, the City Council adopted Charter Ordinance No. 191 to provide that municipal court judges will be evaluated annually. The ordinance authorized the evaluation procedures to be established by the City Council. The policy is presented for adoption and implementation by the City Council.

The City Council Policy regarding the evaluation procedures for Wichita Municipal Court Judges establishes an evaluation committee, the evaluation procedures and criteria, administrative judge criteria, the annual evaluation process, the retention evaluation process, ratings system, confidentiality of records, and additional programs and training.

There are no financial considerations at this time.

The City Council has the authority to adopt a policy to establish evaluation procedures for Wichita Municipal Court Judges.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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- Council Member Fearey Council Member Fearey requested that questions she had asked, along with suggestions be looked at while meeting with the Judges; and recommendations be brought back for Council discussion at a future workshop.
- Council Member Pisciotte Council Member Pisciotte said the process has been on-going for over one year. The reviewing Committee had dialogue with the Judges. This is a four-year procedure.
- Motion – Pisciotte moved that the Policy be adopted, and on-going effort to perfect the Policy continue, taking into consideration Council Member Fearey's concerns. Motion carried 6 to 0. (Gale absent)
-- carried

NEW BUSINESS

CESSNA

PUBLIC HEARING ON ISSUANCE OF AIRPORT SPECIAL FACILITY REVENUE BONDS – CESSNA CITATION SERVICE CENTER. (District V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-1318

On December 18, 2001, the City Council and the Wichita Airport Authority approved an incentive package for the Cessna Citation Service Center, including the issuance of Airport Special Facilities Revenue Bonds in the amount of approximately \$60 million. On February 5, 2002, the Airport Authority approved the adoption of a resolution stating its intent to issue the bonds. The Wichita Airport Authority is scheduled to approve the issuance of the bonds on May 14, 2002. Because the bonds to be issued at this time will be issued as tax-exempt bonds, in order to comply with federal regulations it is necessary for the City Council to hold a public hearing prior to the approval of the bonds by the Airport Authority.

Cessna has begun construction of a 450,000 square foot service center on 150 acres of airport land located on Hoover Road north of K-42 highway at a cost of approximately \$60 million. The project will result in the addition of 800 new jobs by Cessna and will provide a significant tourism boost due to the large number of Cessna Citation owners and their flight crews who will make extended visits to Wichita by virtue of the service center's location here.

In addition to the building costs, which will be born entirely by Cessna, the City will fund one-half of the cost of site work needed to prepare the site for construction and to provide access roads, paving, parking and landscaping, up to a maximum cost of \$8.7 million. Sedgwick County will be responsible for paying the local match for widening Hoover Road from 31st Street South to Harry, in conjunction with a \$6.95 million economic development grant from the Kansas Department of Transportation. Congress has earmarked up to \$10.8 million for the construction of a parallel taxiway in front of the service center site, for which the Airport Authority will pay up to \$1.2 million in local matching funds.

Federal law requires that prior to the issuance of tax-exempt bonds for a project such as this, a public hearing be held by the governing body of the City having oversight of the issuing authority, following publication of a notice at least 14 days in advance of the hearing. A notice was published on April 23, setting the public hearing for May 7, 2002.

Issuance of tax-exempt Airport Special Facility Revenue Bonds in the approximate amount of \$49.3 million will be approved by the Wichita Airport Authority on May 14, 2002. The bonds will be publicly marketed to investors by an underwriting syndicate led by Banc of America Securities, LLC. The bond proceeds will be used to finance building and site costs that qualify under federal law for tax-exempt bond financing, including facilities used to provide aircraft maintenance and repair services. Non-qualified costs, such as facilities used for marketing and customer relations, in the approximate amount of \$10.7 million, will be financed by taxable bonds issued at the completion of the project. Textron Corporation, Cessna's parent company, plans to purchase the taxable bonds.

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The City's share of the incentive package will be financed by a combination of airport funding, primarily for site improvement costs and matching funds for taxiway improvements, and funding provided in the adopted CIP, primarily for Hoover Road expansion and part of site costs. All costs associated with the issuance of Airport Special Facility Revenue Bonds will be paid by Cessna.

The City's bond counsel, Hinkle Elkouri Law Firm, LLC, is serving as bond counsel in this transaction. The City Attorney's office will review the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA hearing requirements in the federal tax code for tax-exempt bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Martz moved that the public hearing be closed and public comments be received and filed. Motion carried 6 to 0. (Gale absent)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent Central Inspection reviewed the Item.

Agenda Report No. 02-1319

On March 19, 2002 a report was submitted with respect to the dangerous and unsafe conditions on four (4) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on May 7, 2002.

On March 4, 2002, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>District</u>
1. 2253 North Park Place	VI
2. 3318 North Market (garage)	VI
3. 1819 West 53rd North	VI
4. 807 North Edwards	VI

Pursuant to State Statute the Resolutions were duly published twice on March 21, 2002 and March 28, 2002. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Clarence Sponsel, realtor for the bank that is foreclosing (Conseco) is present and would like deferral until June 11, 2002, at which time the bank will have legal possession.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that 1819 West 53rd North be deferred until June 11, 2002, provided the Bank keeps the property mowed, cleaned, and secured. Motion carried 6 to 0. (Gale absent)

Motion --

Fearey moved that the public hearing be closed for Items 1, 2, and 4; the Resolutions declaring the structures as dangerous and unsafe structures be adopted; and the Staff recommendation allowing 60 days to complete exterior repairs; be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of May 7, 2002; (2) the structure(s) has/have been secured as May 7, 2002, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of May 7, 2002, and will be so maintained during renovation. Motion carried 6 to 0. (Gale absent)

-- carried

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RESOLUTION NO. 02-215

A Resolution finding that the structure located on Lot 5 and the north 5 feet of Lot 7, Block 3, Highland Addition, Sedgwick County, Kansas, commonly known as 2253 North Park Place, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-216

A Resolution finding that the structure located on Lots 17 and 18, Block 15, Jones Park Addition, Wichita, Sedgwick County, Kansas, commonly known as 3318 North Market (garage), Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-218

A Resolution finding that the structure located on the North 75 feet of the south 225 feet of Lot 1, Block 1, Riverside Health Systems Third Addition, Sedgwick County, Kansas, commonly known as 807 North Edwards, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

(This Item was taken up at the end of the meeting. Action is shown in Agenda order.)

LENDER POOL

THE HEART OF WICHITA LENDER POOL FORMAL KICK-OFF ANNOUNCEMENT.

Roy Johnson

Housing Services Director reviewed the Item.

Agenda Report No. 02-1320

In recent years, through operation of the HOMEownership 80 program, the City's first-time home buyer assistance program, Housing Services Staff has observed an increasing need for mortgage credit availability for first-time home buyers accessing the program. Some potential buyers have sufficient income to afford the monthly payments associated with a home loan. However, in some cases, these families do not have a credit score sufficient to meet lender standards, due to insufficient credit history. In other cases, there are credit issues that have been resolved, but are still appearing in the applicant's credit history. A credit score would also be impacted in this case, particularly if there is a lack of positive "reportable" credit history.

Some of these families have attempted to obtain mortgage credit from sub-prime or predatory lenders, which is not acceptable under the HOMEownership 80 program.

The Heart of Wichita Housing Fund has been created in order to provide the additional source of Mortgage Credit described above. Participants in the HOWHF include INTRUST Bank, Capitol Federal Savings, Commercial Federal Bank, Hillcrest Bank, Emprise Bank, Central Bank and Trust Co, Security Savings Bank, Fidelity Bank and Community Housing Services. The purpose of the HOWHF is to create a mortgage loan pool, whereby lenders can participate on a pro rata basis per loan, and thereby reduce lender risk. The underwriting standards applicable to the lender pool will provide for additional flexibility with respect to credit analysis and evaluation.

Community Housing Services (CHS) will participate as the loan originator on behalf of the fund. CHS is a full cycle lender affiliated with Neighborworks and has the expertise necessary to originate loans on behalf of the fund. CHS will also provide homeownership training for loan fund applicants, and will service the loans originated on behalf of the fund. CHS will also provide financial and homeownership counseling to homebuyers utilizing the fund, following home purchase.

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The City will provide HOMEownership 80 assistance to buyers applying for mortgage credit through the fund, and will require participation in the Maintenance Reserve Program.

The City is not providing funding for the Lender Pool. The Maintenance Reserve Plan is funded from premiums paid by participating buyers. Homebuyers accessing the HOWHF will receive assistance through the City's HOME-funded HOMEownership 80 program, in accordance with program guidelines.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the comments be received and that Council recess to reception. Motion carried 6 to 0. (Gale absent)

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --
-- carried

Fearey appointed Gary Schmitt, Intrust Bank, to the Housing Advisory Board and moved that the appointment be approved. Motion carried 6 to 0. (Gale absent)

CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 24 and 32a be approved as consensus Items. Motion carried 6 to 0. (Gale absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 6, 2002.

Bids were opened April 19, April 26, and May 3, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

37th Street North from the east line of Ridge Road, east to the easterly most drive serving Lot 1 to serve Ridge Port North Addition - south of 37th Street North, east of Ridge. (472-83114/ 765689 /490800) Street to be closed during construction. (District V)

Ritchie Paving - \$77,209.50

Boxthorn from the west line of Wawona, east to the east line of the plat. Ayesbury from the northwest line of Lot 10, Block E, southeast, to the northeast line of Boxthorn; on Woodridge from the north line of Boxthorn, north to the north line of Lot 4, Block G, on Woodridge from the south line of Boxthorn, south to the south line of the plat, on Eagle, from the north line of Boxthorn, north to the north line of Lot 11, Block G, and on Wawona from the south line of Boxthorn, south to the south line of the plat. Davin Lane from the north line of Boxthorn, north to the south line of Lot 19, Block H, on Davin Circle from the south line of Lot 19, Block H, north to the north line of Lot 9, Block H, on Davin Court to serve Lots 4 through 7, Block H, and on Davin Court to serve Lots 20 through 22, Block H, Boxthorn Court (Lots 1 through 5, Block I) from the south line of Boxthorn south to and including the cul-de-sac, on Boxthorn Court (Lots 6 through 11, Block I) from the south line of Boxthorn, south to and including the cul-de-sac, and on Ayesbury Circle from the south line of Boxthorn, south to and including the cul-de-sac. Sidewalk constructed along both sides of Boxthorn and along one side of Eagle, Woodridge, Ayesbury, and Wawona to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (472-83483/765714 /490825) Does not affect existing traffic. (District II)

Kansas Paving Company - \$506,402.00

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Lateral 482, Southwest Interceptor Sewer to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (468-83407/743917/480605) Does not affect existing traffic. (District V)

Dondlinger & Sons - \$31,187.00

Storm Water Drain 185 to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83403/751312/485203) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$128,445.80

Water distribution system to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (448-89663/735053/470723) Does not affect existing traffic. (District V)

WBW Contractors - \$39,730.00

Water distribution system to serve Forest Lakes Addition - north of 29th Street North, west of Ridge. (448-88703/735056/470726) Does not affect existing traffic; AND Water distribution system to serve Forest Lakes West Addition - north of 29th Street North, east of Tyler. (448-89206/735057 /470727) Does not affect existing traffic. (District V)

Mies Construction - \$42,669.00 (Total aggregate bid)

Central and Rock Road - Phase 2 - Landscaping - Central and Rock Road. (472-83393/706819/201285) Does not affect existing traffic. (District II)

Green Glo - \$5,978.00

Main 11, Four Mile Creek Sewer to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83399/743913/480601) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$198,926.00

Pave Equestrian Estates on Triple Crown from the north line Stampede to the south line of Harry Street on Buckskin from the east line of Triple Crown to the east line of Triple Crown adjacent to Lots 1 through 18, Block 2, on two Buckskin Courts, one adjacent to Lots 4 through 9, Block 2 and one adjacent to Lots 9 through 17, Block 3, on Triple Crown Court adjacent to Lots 9 through 14, Block 1 and on Stampede from the east line of 127th Street East to the east line of Lot 12, Block 6; a Sidewalk to be installed along one side of Triple Crown, on one side of Buckskin and on one side of Stampede; a Deceleration Lane to be constructed at Harry Street to serve Equestrian Estates - south of Harry, east of 127th Street East. (472-83424/765705 /490816) Does not affect existing traffic; AND Storm Water Drain 178 to serve Equestrian Estates - south of Harry, east of 127th Street East. (468-83320/751305/485196) Does not affect existing traffic. (District II)

Ritchie Paving - \$850,095.70 (Total aggregate bid)

Main 3, Northwest Interceptor Sewer - 21st Street North from west of 119th to east of 135th Street West. (468-83133/624060/651002) Traffic to be maintained during construction using flagpersons and barricades; AND 16 inch water supply line in 21st Street North from west of 119th Street West to 135th Street West - in 21st Street North, west of 119th Street West. (448-89626/633749/752838) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Wildcat Construction - \$2,026,112.00 (Total aggregate bid)

Force main in connection with Main 5, Northwest Interceptor Sewer - 13th Street North and 135th Street West. (468-83136/624062/651004) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$217,866.30

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Orme Street, Phase 1, from west line of Dry Creek to west line of Pinecrest - west line of Dry Creek to west line of Pinecrest. (472-83229/702314/401286) Traffic to be maintained during construction. (District II)

Wildcat Construction - \$297,324.00

Alley west of Santa Fe from Elm to 250 feet south of Elm to serve JP Hilton's Addition - north of Central, east of Broadway. (472-83421/765696/490807) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$25,584.00

Sanitary sewer reconstruction in connection with paving the alley between St. Francis and Santa Fe, south of Elm Street to serve JP Hilton's Addition - north of Central, east of Broadway. (468-83334/620325/661449) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

WB Carter Construction - \$18,346.00

Lateral 324, Four Mile Creek Sewer to serve Rocky Creek Addition - north of 13th, east of 127th Street East. (468-83346/743898/480586) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$24,245.00

Water distribution system to serve Rocky Creek Addition - north of 13th, east of 127th Street East. (448-89099/735049/470709) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$18,400.00

Funston, from Smithmoor to the west line of Lot 37, Block 2; Pierce Circle, north of Funston including the cul-de-sac; Leanne Lane, north of Funston including the cul-de-sac; to serve Smithmoor 10th Addition - north of Pawnee, west of Greenwich. (472-83498/765724/490835) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$203,806.75

Tee Time from the south line of Lot 35, Block 4, and the south line of Lot 17, Block 5, to the west line of Lot 56, Block 4; Lakecrest from the south line of Lot 37, Block 3, and the south line of Lot 1, Block 5, to the south line of Tee Time; Lakecrest Circle from the north line of Tee Time to and including cul-de-sac serving Lots 40 through 55, Block 4; and construct a sidewalk on the east and south side of Tee Time, from the south line of Lot 17, Block 5 to the west line of Lot 56, Block 4 to serve Forest Lake Addition - north of 29th, west of Ridge. (472-82322/765729/490840) Does not affect existing traffic; AND Forest Park/Lake Ridge from the east line of Forest Ridge to the south line of Lot 15, Block 3; Forest Park Court serving Lots 12 thru 15, Block 3, and; sidewalk on the south and west side of Forest Park/Lake Ridge from the east line of Forest Ridge to the south line of Lot 7, Block 4 to serve Forest Lake West Addition - north of 29th, east of Tyler. (472-82874/765730/490841) Does not affect existing traffic. (District V)

Kansas Paving Company - \$238,161.40

Hendryx from the west line of Lot 3, Block B, west to the north line of Reece Road; on REECE ROAD from the west line of Hendryx, south to the west line of McCormick Avenue; on McCormick Avenue, from the south line of Reece Road, east to the west line of Lot 15, Block B; on Reece Circle from the west line of Reece Road, north to and including the cul-de-sac to serve Reece Farms Estates - south of Maple, west of 151st Street West. (472-82937/765712 /490823) Does not affect existing traffic. (District V)

Ritchie Paving - \$185,026.50

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Water distribution system improvements to serve Northeast Pump Station - Wawona, south from 21st Street North. (448-89685/624503/699003) Traffic to be maintained during construction using flagpersons and barricades. (District II)

K C Excavating - \$41,100.50

Water distribution system to serve Rocky Creek & Rocky Creek Second Addition - north of 13th Street North, east of 127th Street East) (448-89620/735060/ 470730) Does not affect existing traffic. (District II)

H D Mills & Sons - \$34,075.00

Alley from the north line of Murdock to the south line of 8th Street north between Market and Broadway to serve Munger's Original Town Addition - north of Murdock, west of Broadway. (472-83414/765699 /490810) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$44,318.75

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Flashlight Batteries. (130849)

Battery Patrol - \$0.24 (Item 1/per each)
\$0.25 (Item 2/per each)
\$0.29 (Item 3/per each)
\$0.40 (Item 4/per each)
\$0.65 (Item 5/per each)
\$0.40 (Item 6/per each)
\$0.45 (Item 7/per each)
\$0.70 (Item 8/per each)
\$0.45 (Item 9/per each)
\$2.95 (Item 10/per each)
\$1.50 (Item 11/per each)
\$1.15 (Item 12/per each)
\$5.50 (Item 13/per each)
\$0.47 (Item 14/per each)
\$0.47 (Item 15/per each)
\$1.19 (Item 16/per each)

GENERAL GOVERNMENT/PROPERTY MANAGEMENT DIVISION: Mowing, Trimming and Edging at Various Locations. (205021)

Visions Landscape - \$135.00 (Group 1/unit price bid)
One Time Lawn Service - \$37.50 (Group 2/unit price bid)
Visions Landscape - \$370.00 (Group 3/unit price bid)
ProLawn Care Inc. - \$165.00 (Group 4/unit price bid)
One Time Lawn Service - \$467.00 (Group 5/unit price bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: North Branch Library/Head Start Remodel. (602376)

Caro Construction - \$602,360.00* (Group A-North Branch Library base bid)
\$237,040.00* (Group B-Head Start Center base bid)
\$839,400.00* (Groups A & B/Total net base bid)
\$ 24,266.00* (Alternate A1/Group A/north portico addition/lump sum)

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\$ 37,900.00* (Alternate A2/Group A/replace roof of existing building lump sum)

\$ 10,924.00* (Alternate A3/Group A/serpentine site wall/lump sum)

\$ 4,770.00* (Alternate A4/Group A/trowel finish on all exterior walls/lump sum)

\$ 24,336.00* (Alternate A5/Group A/concrete paver circle/lump sum)

\$ 29,000.00* (Alternate A6/Group A/curb and gutter/lump sum)

\$ 37,216.00* (Alternate A7/Group A/upgrade interior/finishes/lump sum)

\$ 48,128.00* (Alternate A8/Group A/parking lot/lump sum)

\$ 47,507.00* (Alternate A9/Group A/east portio addition/lump sum)

\$ 4,980.00* (Alternate E1/Group A/recessed ground site lighting/lump sum)

\$ 17,654.00* (Alternate E2/Group A/multi-cell conduit and wiring to Evergreen Mini City Hall/lump sum)

*230 calendar days

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Polypatch Joint Sealing Compound) (132225)

Paving Maintenance Supply Inc. - \$.64 (Cost per pound)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Special Waste Disposal. (184754)

G.I. Hauling - \$12.00 (Total unit price/per ton)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Equipment for Cowskin Pump Station Rehabilitation. (624073)

American Electric* - \$23,429.00 (Group 1/net bid)

R.E. Pedrotti Company, Inc. - \$91,020.00 (Group 2/net bid)

American Electric* - \$128,889.00 (Group 2A/net bid)

R.E. Pedrotti Company, Inc. - \$59,000.00 (Group 3/net bid)

Fairbanks Morse Pump - \$139,752.00 (Group 4/net bid)

Henry Pratt - \$ 6,820.00 (Group 5/net bid)

\$95,996.00 (Group 6/net bid)

\$99,999.00 (Group 6B/net bid)

Fluid Equip. Co., Inc - \$7,448.00 (Group 7/net bid)

*Subject to Ordinance No. 35-856 Item (D) No Bids Received. In those instances when no bids have been received after formal advertising, the Purchasing Manager is authorized to negotiate those purchases subject to ratification and approval by the Governing Body.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Demolition of 7088 East Kellogg and 7300 East Kellogg. (702232)

H.D Mills & Sons - \$97,180.00 (Total net bid)

VARIOUS DEPARTMENT/VARIOUS DIVISIONS: Hot and Cold Mix Asphalt. (132225)

APAC-Kansas Inc. - \$44.95 (Item 1/price per ton)

\$49.95 (Item 2/price per ton)

\$49.95 (Item 3/price per ton)

Ritchie Paving - \$29.00 (Item 4/price per ton)

\$31.00 (Item 5/price per ton)

\$31.00 (Item 6/price per ton)

Kansas Paving Company - \$18.50 (Item 7/price per ton)

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Gasoline Powered Riding Sweeper for Turf. (130567)

Tennant Sales and Service Company - \$17,310.00 (Total net bid)

PARK & RECREATION DEPARTMENT/MAINTENANCE DIVISION: Herbicides and Grass Seed; and Application of One Group. (173702)

Lesco - \$3,006.25 (Group 1/total net bid)
BWI Springfield - \$549.20 (Group 2/total net bid)
Lesco - \$2,797.50 (Group 3/total net bid)
Vegetation Management Supply Inc. - \$619.00 (Group 4/total net bid)
Outdoor Equipment Co. - \$4,557.00 (Group 5/total net bid)
Pueblo Chemical & Supply - \$2,295.00 (Group 6/total net bid)
Field Solutions LLC - \$2,500.00 (Group 9/total net bid)
Pueblo Chemical & Supply - \$2,352.00 (Group 10/total net bid)
\$2,887.50 (Group 11/total net bid)
Pueblo Chemical & Supply - \$690.00 (Group 13/total net bid)
Pueblo Chemical & Supply - \$225.00 (Group 15/total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Don C. Norton	La Chinita Mexican Restaurant*	1451 North Broadway
Julie D. Popplewell	Duffy's Den*	2415 West 31st Street
Gwenda L. Vandaveel	Tropics Lounge*	2705 North Broadway
Kevin Raven	Taco Tico*	1303 North Tyler
Kevin Raven	Taco Tico*	460 North West Street
Kevin Raven	Taco Tico*	1118 West Douglas
Kevin Raven	Taco Tico*	311 East Pawnee
Kevin Raven	Taco Tico*	3131 North Rock Road
Kevin Raven	Taco Tico*	8629 West Irving
Kevin Raven	Taco Tico*	603 East 47th Street
Kevin Raven	Taco Tico*	3425 East Douglas
Kevin Raven	Taco Tico*	3257 East Harry
Kevin Raven	Taco Tico*	929 North Broadway
Kevin Raven	Taco Tico*	1230 South Rock
Thang D. Dao	Emperor of China*	7011 West Central #116

		<u>(Consumption off Premises)</u>
Robert J. Bales	Klepper Oil Co., Inc.	2601 North Broadway
Robert J. Bales	Klepper Oil Co., Inc.	3520 North Woodlawn
David W. Haubenstein	Metro Oil Co. dba Total #4177	851 South Meridian
David W. Haubenstein	Metro Oil Co. dba Total #4178	324 West Harry
David W. Haubenstein	Metro Oil Co. dba Total #4180	1826 East 13th Street
David W. Haubenstein	Metro Oil Co. dba Total #4182	4003 South Broadway
David W. Haubenstein	Metro Oil Co. dba Total #4183	731 North Ridge
David W. Haubenstein	Metro Oil Co. dba Total #4184	106 South Hydraulic
David W. Haubenstein	Metro Oil Co. dba Total #4185	223 East 21st Street
David W. Haubenstein	Metro Oil Co. dba Total #4186	3919 West Pawnee
David W. Haubenstein	Metro Oil Co. dba Total #4188	1622 South West Street
David W. Haubenstein	Metro Oil Co. dba Total #4189	1649 East 13th Street
David W. Haubenstein	Metro Oil Co. dba Total #4191	248 South Hillside
David W. Haubenstein	Metro Oil Co. dba Total #4194	3233 North Rock Road

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David Bullington	Wal-Mart Store #3283	10600 West 21st Street
<u>New Operator</u>	<u>2002</u>	<u>(Consumption off Premises)</u>
Javier Vazquez	El Ranchito	3537 North Broadway
Stan Edde	Falley's Inc. dba Food 4 Less #60	1607 South Georgetown Street
Stan Edde	Falley's Inc. dba Food 4 Less #61	3137 South Seneca
Stan Edde	Falley's Inc. dba Food 4 Less #62	1910 West 21st Street North
<u>New Establishment</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Vicky Soukamneuth	Thai-Lao Café*	2433 South Hillside
Stephen E. Parsons	Taqueria El Paisa*	2227 North Arkansas
Robert M. Maurer Jr.	Wichita Smoke and Steak House*	111 North Washington
Kevin Raven	Taco Tico*	2081 South Seneca
		<u>(Consumption off Premises)</u>
Michael Hoffman	Kwik Shop #716	2424 West 37th Street North
<u>Special Event</u>	<u>May 10-12, 2002</u>	
Jeffery Elliott	Easy Riders of Wichita	1201 East Central
	Bikers Edge Dyno Drug Truck	

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 6 to 0. (Gale absent)

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2002 Contract maintenance raising and undersealing concrete slabs - north of 47th Street South, east of Hoover. (472-83516/132712/132712) Traffic to be maintained during construction using flagpersons and barricades. (District III, IV & V) - \$119,000
- b) Lateral 23, Main 13, War Industry Sewer to serve Premier Addition - north of Kellogg, west of Greenwich. (468-83239/743921/480609) Does not affect existing traffic. (District II) - \$46,000
- c) Lateral 6, Main 17, Southwest Interceptor Sewer to serve Forest Lakes Addition (north of 29th Street North, west of Ridge) (468-82304/743918/480606) Does not affect existing traffic. (District V) - \$85,000
- d) Lateral 384, Southwest Interceptor Sewer to serve Forest Lake West Addition (north of 29th Street North, east of Tyler) (468-82769/743919/480607) Does not affect existing traffic. (District V) - \$85,000
- e) Lateral 385, Southwest Interceptor Sewer to serve Forest Lake West Addition - north of 29th Street North, east of Tyler. (468-82770/743920 /480608) Does not affect existing traffic. (District V) - \$46,200
- f) Storm Water Drain 99 to serve part of Forest Lakes Addition - north of 29th Street North, west of Ridge Road. (468-82311/751315/485206) Does not affect existing traffic. (District V) - \$360,000
- g) Storm Water Drain 132 to serve Forest Lake West Addition (north of 29th Street North, east of Tyler) (468-82771/751316/485207) Does not affect existing traffic. (District V) - \$275,000

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h) 26th Street North from the east line of the drainage canal to the west line of Market, Aley from the west line of Fairview to the west line of Market and from the east line of Market to the west line of Broadway and Burnett from the east line of the drainage canal to the west line of Market and from the east line of Market to the west line of Broadway, to serve North Lawn Addition, Buckeye Addition, Gardner's Addition, Aley Park Addition - west of Broadway, south of 29th Street North) (472-83301 /765662/ 490773) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$567,000

Motion --
-- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Gale absent)

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF HOWARD'S ADDITION TO COLLEGE HILL – SOUTH OF CENTRAL, EAST OF HILLSIDE. (District II)

Agenda Report No. 02-1321

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new commercial development.

The Petition totals \$20,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Gale absent)

RESOLUTION NO. 02-219

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, Main C Sanitary Sewer #12, (south of Central, east of Hillside) 468-83437, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF REID ADDITION – SOUTH OF CENTRAL, EAST OF WEST STREET. (District IV)

Agenda Report No. 02-1322

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new commercial development.

The Petition totals \$13,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Gale absent)

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RESOLUTION NO. 02-220

Resolution of findings of advisability and Resolution authorizing improving of Lateral 14, Main 8, Sanitary Sewer #22 (south of Central, east of West Street) 468-83420, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE THE NEW MAIZE SCHOOL CAMPUS – SOUTH OF 37TH STREET NORTH, WEST OF TYLER. (District V)

Agenda Report No. 02-1323

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer main service for the development of the Maize School system's new campus.

The Petition totals \$2,250,000 with \$274,500 assessed to the improvement district and \$1,975,500 paid by the Sewer Utility. The Utility share is for the excess capacity needed for future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Gale absent)

RESOLUTION NO. 02-221

Resolution of findings of advisability and Resolution authorizing improving of Main 6, Northwest Interceptor Sewer (west of Tyler, south of 37th Street North) 468-83423, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED DURING MONTH OF MARCH 2002:

<u>Name of Claimant</u>	<u>Amount</u>
Applegate, Stephany	\$125.00
Ayers, Timothy Lee	\$76.70
Coleman, Teresa	\$158.82
Fitch, Toni	\$3,332.85
Gibson, Kurt	\$2,458.71
Kansas Gas Service	\$368.03 **
Kansas Gas Service	\$1,236.02**
Kansas Gas Service	\$352.60 **
King, Earl	\$1,302.80**
Waggy, Cindy	\$232.98

** Settled for lesser amount than claimed.

Motion – carried

Knight moved that the report be received and filed. Motion carried 6 to 0. (Gale absent)

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HELICOPTER

CONTRACT FOR POLICE HELICOPTER MAJOR MAINTENANCE.

Agenda Report No. 02-1324

The Wichita Police Department operates one Schweizer 300C Helicopter to provide a budgeted 1000 annual hours of air patrol services. The City currently contracts locally with Ballard Aviation for routine maintenance on the helicopter. Occasionally, major maintenance is required that is outside the purview of the local maintenance contract. In addition, the Federal Aviation Administration (FAA) mandates prescribed maintenance and periodic inspections that are not covered by the current maintenance vendor.

A Request for Proposals was prepared and two firms responded. A selection committee reviewed the responses and determined that Air Flite, Inc. located in Shawnee, OK provided the best alternative for the City.

The 2002 Adopted budget includes \$78,910 for contracted helicopter repairs. Although maintenance requirements can fluctuate depending on flight hours and machine durability, it is anticipated that maintenance costs, including those incurred under the terms of this contract, will be within the budgeted amount.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Gale absent)

ART MUSEUM

AMENDMENT – ART MUSEUM EXPANSION PROJECT. (District VI)

Agenda Report No. 02-1325

On May 4, 1999, the City Council approved funds to hire a design consultant for the expansion of the Wichita Art Museum, but the decision on project funding was deferred pending further review. On July 13, 1999, the City Council approved the Contract with Schaefer Johnson Cox Frey & Associates (SJCF) to be the architect for the project.

On October 17, 2000, the City Council approved a funding agreement between the City of Wichita and Wichita Art Museum, Inc. in which the City would maintain two capital project accounts: the City Capital Improvement Project Account containing \$6 million of City funds, and the Museum Capital Project Account containing \$4.5 million of funds which are the responsibility of the Art Museum. The City project account would be drawn first until all monies in the account are expended before the Museum project account would be charged for the project. The Museum Board agreed to be responsible for any shortfall if it has had the opportunity to review and approve all the expenses for the project before they are incurred.

On March 20, 2001, the City Council approved the bid of Dondlinger & Sons to construct the expansion project for the Museum, which will add 35,000 square feet, increase gallery space by 43% and allow the visiting public better access. Landscaping was not included in the Contract with Dondlinger.

The Art Museum Board contracted with Olin Partnership of Philadelphia, PA, to develop a Master Plan for the landscaping of the exterior space around the Museum. This plan was approved by the Design Council and the Art Museum Board prior to its being presented to the City Council on August 16, 2001. At that time, the City Council approved a Change Order to make minor changes in the parking lot to comply with this new Master Plan. A prominent feature of the Olin Partnership's Master Plan was a redesign of the drive and plaza in front of the Museum's front entry to make it more dramatic and aesthetically pleasing.

The Wichita Art Museum has contracted directly with Olin Partnership to develop their design for the new entry plaza and provide that information to SJCF as needed for them to prepare construction documents. Dondlinger & Sons has been notified to not proceed with purchasing materials or do any work on the entry plaza (as shown in the original construction documents), because it is the intent of the

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Art Museum to implement the new Olin design by Change Order as soon as the new documents can be prepared. The additional cost for the expanded entry plaza design will be paid by the Art Museum from private funds in accordance with the terms of their original funding agreement with the City.

Since SJCF's existing Contract for professional services is with the City of Wichita, their additional work in preparing construction documents in conformance with the Olin design must be an amendment to their existing Contract. Amendment Number Two to the SJCF Contract is for forty thousand dollars (\$40,000.00) plus reimbursable expenses.

The Amendment to the Contract for \$40,000 will be funded from the project budget, Museum Capital Improvement Project Account (Project No. 435309, OCA No. 792339). The total remaining project balance is \$1,075,579.79.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Gale absent)

CLEANING CONTR. CUSTODIAL CLEANING CONTRACT.

Agenda Report No. 02-1326

In 1994 the City of Wichita entered into a Contract for janitorial services for the Finney State Office Building, four floors of Wichita City Hall, Career Development and the Old Town Garage, this was necessitated by the difficulty in attracting employees as custodians. The existing Contract for these janitorial services has expired and on February 23, 2002 a Request for Proposal (FP200019) was advertised for all interested Contractors to submit prices for the areas needing these services in order to establish a new cleaning Contract.

Formal Proposals were submitted by nine (9) Contractors on six (6) different Contract options to cover the existing and added facilities. These options were reviewed by the Staff Screening & Selection Committee for content and price. The Selection Committee recommended entering into a contract with Wilson Building Maintenance Inc. for a total annual cost of \$334,336.80, renewable in yearly increments at this quoted price for a total of three (3) years. The City has the right to cancel any or all Options at will, upon thirty (30) days written notice to the Vendor. Approval of this Agenda Item will allow for continued excellence in customer service to all the areas of Contract coverage.

The funding for the Custodial Contract is available in the Building Services Budget and is sufficient to maintain the current level of services.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Gale absent)

KS TRADE CENTER KANSAS WORLD TRADE CENTER 2002 CONTRACT.

Agenda Report No. 02-1327

Since 1998, the City has contracted for economic development services from the Kansas World Trade Center ("KWTC") in the annual amount of \$50,000. Sedgwick County contracts for similar services in the same amount each year. The County Commission recently approved the County contract with KWTC and the City contract is presented at this time for approval. City staff is currently evaluating alternative arrangements for supporting the World Trade Center. Pending completion of the evaluation, Staff recommends funding the KWTC for 2002.

The mission of the KWTC is to promote the expansion of export activities of businesses in Kansas by providing specialized assistance and research to companies wishing to expand their access to the global marketplace, or to enter it for the first time. In addition to providing consulting and targeted services and targeted research for companies that are actively seeking international trade opportunities, the KWTC also conducts promotional campaigns, seminars, trade missions and presentations aimed at

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creating awareness of such opportunities. Under the proposed contract for services with the City, KWTC will provide economic development services to companies seeking to increase international trade activity.

Payment for the contractual services will not exceed \$50,000 and will be funded from the Economic Development Fund.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

CHAMBER

CHAMBER 2002 CONTRACT - ECONOMIC DEVELOPMENT SERVICES.

Agenda Report 02-1328

Since 1998 following the disbanding of the WI/SE Partnership for Growth, the City has contracted with the Wichita Area Chamber of Commerce to provide certain economic development services that had previously been provided by WI/SE. The contract is a joint economic development effort with the Chamber, the City, and Sedgwick County. Under the contract, the Chamber manages specified economic development efforts on behalf of the City and County and works with the respective economic development staffs on various projects. Under the terms of the contract, the Chamber is required to meet certain goals as contained in the approved business plan. City and Chamber staff have negotiated the proposed 2002 contract for services.

The 2002 Economic Development Business Plan has five major areas: Business Development; Research Support; Workforce Development; Air Service; and Community Marketing. City funding is requested for part of the Business Development, Research Support and Community Marketing activities. Contract activities focus on the following objectives as outlined in the draft 2002 work plan for Business Development:

- Strategic Planning. Coordinate updating of a strategic plan for economic growth based on 1997 Long Range Planning Task Force Report and 2001 Council on Competitiveness Cluster Study.
- Business Recruiting. Obtain commitment from new companies to locate facilities in the Wichita area and add 720 new jobs in 2002.
- Expansion/Retention of Existing Businesses. Provide community support to existing businesses by assisting in expansion opportunities to secure 1,155 new jobs.
- New Business Development. Work with local service organizations to promote/enhance the creation of new jobs through business start-ups and new business ventures.
- Downtown Core Area. Promote growth and investment in Wichita's downtown to increase building occupancy and increase favorable downtown projects.
- Air Service. Achieve significant reduction in airfares and an increase in available flights.
- Economic Development Research. Provide/create research to support economic development.

Work covered by the 2002 Contract for Services will be carried out primarily by the Chamber's Economic Development Department, which consists of the Vice President for Economic Development, Economic Development Director and an Administrative Assistant. Other Chamber staff provides support in the areas of research, workforce development and marketing. The Chamber's economic development efforts are augmented by a work group consisting of economic development staff from the City, County, State, non-governmental agencies and utilities.

City funding in the 2002 contract will be applied as follows:

Personnel costs	\$ 95,600
Business Development costs	51,575
Research Support	34,825
Community Marketing	<u>28,000</u>
Total Contract Amount	\$210,000

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Funding for the contractual services are budgeted in the 2002 adopted budget in the Economic Development Fund. Funds will be paid to the Chamber pursuant to invoices showing actual costs incurred subject to the contract budget. Funds not needed for actual contract costs will be retained by the City.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Gale absent)

DESIGN SERVICES DESIGN SERVICES AGREEMENT FOR BALTHROP FOURTH ADDITION – NORTH OF CENTRAL, WEST OF K-96. (District II)

Agenda Report No. 02-1329

The City Council approved the project on January 15, 2002.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Balthrop 4th Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$59,000, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Gale absent)

DESIGN SERVICES DESIGN SERVICES AGREEMENT FOR FOREST LAKES – NORTH OF 29TH, WEST OF RIDGE. (District V)

Agenda Report No. 02-1330

The City Council approved the project on April 6, 1993.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Forest Lakes. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$56,500, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Gale absent)

DESIGN SERVICES DESIGN SERVICES AGREEMENT FOR FOREST LAKES WEST – NORTH OF 29TH, EAST OF TYLER. (District V)

Agenda Report No. 02-1331

The City Council approved the project on September 23, 1997.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Forest Lakes West. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$45,650, and will be paid by special assessments.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Gale absent)

STORM WATER

STORM WATER PUMP STATION NO. 1 – PUMPS 1 AND 5. (Districts IV and VI)

Agenda Report No. 02-1332

There are four pumps at Pump Station No.1, located on Maple at the Big Ditch. Two of the pumps are large and two are small. When the Pump Station was built many years ago, the two large pumps were incorrectly designed for the pressure they need to pump against. This problem results in the failure of these pumps at certain levels during the wet well pumping process.

On March 19, 2002, the City Council authorized Capital Improvement Project No. 562-862002, in the amount of \$140,000. This project will solve the pump problems by installing larger pump motors along with associated electrical rewiring. The project is to be designed and constructed in 2002.

MKEC Engineering Consultants, Wichita, Kansas, have been the design engineers for recent rehabilitation work on Pump Station 2, 3, and 4, as well as other major electrical and mechanical work in 2000 at Pump Station No. 1. Since MKEC is the most familiar with our pump station equipment and processes, staff recommends that they be retained to provide the design and construction engineering services for this project.

MKEC Engineering Consultants has proposed a not-to-exceed fee for the design and construction engineering services in the amount of \$21,600.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

RESOLUTION NO. 02-222

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for Pump Station #1 Design, 5301 West Maple (SW862002), presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR PAVING PARK PLACE, WELLINGTON PLACE, AND 28TH STREETS NORTH. (District VI)

Agenda Report No. 02-1333

The City Council approved the project on February 5, 2002.

The proposed Agreement between TranSystems Corporation provides for designing improvements to Park Place from 27th to 28th Street North; Wellington Place from 27th to 29th Street North; and 28th Street North from Fairview to Park Place. The Staff Screening & Selection Committee selected TranSystems for the design on February 28, 2002.

Payment will be on a lump sum basis of \$20,715 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

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PAWNEE BRIDGE

PAWNEE BRIDGE AT DRY CREEK – EAST OF HILLSIDE. (District III)

Agenda Report No. 02-1334

The 2002 Capital Improvement Program includes funding to reconstruct the Pawnee Bridge over Dry Creek. The existing structure is a concrete box bridge built in 1969.

The new bridge will improve traffic carrying capacity and safety.

The project budget is \$1,105,000, with \$405,000 paid by the City and \$700,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the project and Agreements be approved; the Ordinance be placed on first reading and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

ORDINANCE

An Ordinance declaring Pawnee Bridge at Dry Creek (472-83524) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

ARTERIAL PROG.

2002 ARTERIAL SIDEWALK AND WHEELCHAIR RAMP PROGRAM – PHASE II. (Districts II, IV, and VI)

Agenda Report No. 02-1335

The Capital Improvement Program includes an ongoing project to install sidewalks along arterial streets. The project also includes funding to install wheelchair ramps at various locations in the City. It is part of a 10-year effort to retrofit the entire City as required by the Americans with Disabilities Act. The wheelchair ramp portion of the project was approved by the City Council on December 11, 2001.

The 2002 arterial sidewalk locations are:

East side of Meridian, from 150' south of Harry to Pawnee
South side of 37th Street North, from Womer to Athenian
North side of 37th Street North, from Athenian to Garland
East side of Rock Road, from Harry to Osie

Installation of the sidewalk on Rock Road will be dependent on receiving favorable bids for the other locations.

The wheelchair ramps are being installed on a priority basis with emphasis at schools, institutions, and other high traffic locations.

The project budget is \$596,000. The funding source is General Obligation Bonds. The Sherwood Glen Neighborhood Association has offered to contribute 15% (\$19,500) of the cost of the 37th Street sidewalk.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 6 to 0. (Gale absent)

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RESOLUTION NO. 02-223

A Resolution finding it necessary to make certain improvements to construct sidewalk along the east side of Meridian from 150 feet south of Harry to Pawnee, along the south side of 37th Street North, from Womer to Athenia, along the north side of 37th Street North, from Athenian to Garland, on the east side of Rock Road, from Harry to Osie, and Wheelchair ramps at various locations (2000 Arterial Sidewalk and Wheelchair Ramp Program) Project Number 472-83437, and authorizing the issuance of Bonds by the City of Wichita at Large, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

FIRE ALARM SYS. CITY HALL FIRE ALARM SYSTEM UPGRADE.

Agenda Report No. 02-1336

The existing City Hall Fire Alarm System is outdated, and does not comply with current Fire and Uniform Building Code requirements.

Currently only one tone is available, so the system cannot be used to provide any significant information to the tenants. New equipment would provide for numerous unique tones to identify various situations such as fire, storm or bomb threat. In addition, the new equipment would include capabilities for voice transmission to provide detailed information and directions throughout the building. The new equipment would be continuously "supervised", providing immediate notification whenever a system defect occurs.

The estimated cost to upgrade the existing fire alarm system is \$300,000. The project is authorized in the 2002 – 2011 Capital Improvement Program (PB-352003, Project No. 435343, OCA No. 792373).

Motion --
-- carried

Knight moved that the project be approved; the Resolution be adopted; and Staff be authorized to select a consultant. Motion carried 6 to 0. (Gale absent)

RESOLUTION NO. 02-224

A Resolution declaring it necessary to construct, reconstruct, alter and repair City Facilities located at 455 North Main Street by replacing the fire alarm system; and declaring it to be the intention of the governing body to issue City of Wichita General Obligation Bonds in an amount not to exceed \$300,000 relating thereto, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

LIBRARY NORTH REGIONAL LIBRARY. (District VI)

Agenda Report No. 02-1337

On March 27, 2001, the City Council approved the Wichita Public Library – Head Start Proposal for the old Arts and Crafts Center located at 2601 N. Arkansas. The Wichita Public Library will use two-thirds of the facility for a new North Branch Library, which will replace the Minisa, and Marina Lakes branch libraries. Head Start classrooms and programs will occupy the remaining one-third of the facility.

On June 5, 2001, the City Council approved a Contract Amendment with Randal Steiner Architect P.A. to expand his contract to prepare concepts, revised preliminary plans, construction estimates, and bidding documents for the Library and Head Start usage.

On February 5, 2002, the City Council approved a Contract and Lease with the Child Care Association of Wichita/Sedgwick County for their use of the facility.

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Construction of the Library space is funded from Community Development Block Grant monies at \$800,000. The Child Care Association of Wichita/Sedgwick County will provide up to \$223,503 to pay for the full renovation cost of their portion of the facility.

Adopting the Resolution for \$600,000 will initiate the remaining CIP money, which will be used to equip the library.

The project is authorized in the 2002-2011 Capital Improvement Program (PB-352004). (Project No. 435344, OCA No. 792374)

Motion – carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent)

RESOLUTION NO. 02-225

A Resolution declaring it necessary to equip City facilities located at 25th Street North and Arkansas Street; and declaring it to be the intention of the governing body to issue City of Wichita General Obligation Bonds in an amount not to exceed \$600,000 relating thereto, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

SHADE SHELTERS

ATHLETIC FIELD SHADE SHELTERS CHANGE ORDER. (District IV)

Agenda Report No. 02-1338

In June, 2000 Park and Recreation staff installed two 30' x 30' shade shelters at the South Lakes Softball Complex. Manufactured by Shade n Net, the shade shelters were constructed to accommodate spectators and visitors, providing shade protection from the heat of the summer sun. The structures were specified by the manufacturer to withstand winds up to 110 mph. On June 7, 2001 the shelters were damaged by high winds, although the winds did not approach 110 mph in windspeed.

A change order in the amount of \$14,700 to Simpson and Associates General Contractors is required to acquire new shade shelters for the South Lakes Softball Complex. The new shelters to be purchased are manufactured by Sunports International, and are identical to those recommended for purchase by staff in June, 2000. Ponca Products (representing Shade n Net) was awarded the contract at that time on the basis of its low bid.

Damage incurred to the shelters on June 7, 2001 has been determined to be the result of product failure. The City is considering legal action against the manufacturer and/or vendor for replacement and labor costs.

Funds are available in the 2002 Park and Recreation Department capital improvement program to fund the change order.

Contract change orders in excess of \$10,000 require City Council approval. The Law Department has granted approval to proceed with demolition of the damaged structures and initiate replacement with the Sunports product, and the City is considering legal action against the manufacturer and/or vendor for replacement and labor costs.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

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EATON PLACE

AMENDMENT TO DECLARATION OF CONDOMINIUM – EATON PLACE PROJECT. (District VI)

Agenda Report No. 02-1339

On August 24, 1999, the City Council approved the issuance of Industrial Revenue Bonds for the Eaton Place project in three series: Series A bonds in the amount of \$6,520,000 to permanently finance a portion of the apartment complex; Series B bonds in the amount of \$1,000,000 to finance the equity contribution to the residential portion of the project; and, Series C bonds in the amount of \$5,000,000 to provide bridge financing for a portion of the residential and commercial components of the project. Series C bonds were to be issued in scheduled increments throughout the project and redeemed by various sources of non-bond funding committed to the project, including HOME and CDBG funds, the proceeds of historic and housing tax credits and developer equity.

At the time of the issuance of the Industrial Revenue Bonds, a new six-story structure was to be constructed on the south portion of the project. The bond documents contemplated construction of the new six-story structure. But, under Kansas law, the original Declaration of Eaton Place Condominium could not legally list a structure that did not yet exist.

The new six-story structure comprised of four stories of residential apartments on top of a two story - parking garage have been constructed. An amendment to the Declaration of Condominium is necessary to include the new Residential Unit 5.

There are no financial considerations. The amendment to the Declaration of Condominium does not increase the City share of the project cost or change the total project cost.

Bond counsel has reviewed the transaction and recommends approval.

Motion --
-- carried

Knight moved that the amendment to the Declaration of Condominium for Eaton Place be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

PARK GRANT

VETERANS MEMORIAL PARK GRANT AWARD.

Agenda Report No. 02-1340

Maintenance of green space at Veterans Memorial Park has been problematic over the years. Increased visibility of the park in conjunction with the development of Exploration Place has raised the public's expectations for the appearance of the park.

To address these concerns, the Wichita Tree Trust initiated design of landscape improvements at the park site. On July 10, 2001, the City Council approved the construction of an irrigation system by Hillside Nursery in the amount of \$39,125, with funding provided by the Water and Sewer Department's Water Conservation Fund.

On October 31, 2001, Kansas State University announced the award of a \$22,600 grant to the City of Wichita through the Kansas Forest Service. The purpose of the grant was to provide landscape improvements to Veterans Memorial Park.

On January 8, 2002, the City Council approved a contract with Hillside Nursery for \$64,375 for landscape improvements at the park, with funding coming from the grant and the balance (\$41,775) from the Tree Trust.

Grant funds are to be used to purchase deciduous and evergreen trees for the re-establishment of urban forest at Veteran's Memorial Park. The grant application was developed and submitted in consultation with the Wichita Tree Trust and the City Manager's Office.

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The grant award totals \$22,600 and requires matching funds, which have been provided by the Tree Trust.

Motion --
-- carried

Knight moved that the Grant Award be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

SANITARY SEWER

APPLICATION FOR CITY SEWER SERVICES – 14915 EAST 9TH STREET.

Agenda Report No. 02-1341

This is an application for sewer service outside the corporate limits of the City of Wichita, Kansas, for the address of 14915 E. 9th. The property owner would like to have City sewer service, but the property has not been annexed. Coinciding with the Agreement, the owners will not oppose annexation.

The connection fee has been paid by the property owner.

Motion --
-- carried

Knight moved that the application be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

(Item 24)

OSMOSIS STUDY

REVERSE OSMOSIS FEASIBILITY STUDY – PHASE I.

This Item was pulled from the Agenda.

CHENEY

CHENEY WATERSHED SAMPLING, USGS FINAL REPORT.

Agenda Report No. 02- 1343

Cheney Reservoir is a major water supply source for Wichita, providing over 60% of the City's annual supply. On May 7, 1996, the City Council approved agreements with the USGS and the Bureau of Reclamation (BOR) to begin a five-year program to perform water quality analysis at various sites throughout the watershed.

A comprehensive water-quality database was developed for nutrients, total suspended sediment, and herbicides throughout the watershed. The USGS released a report of "Significant Findings of Water-Quality Studies and Implications for Cheney Reservoir Watershed, South-Central Kansas, 1996-2001." A number of key findings are in the report:

- Phosphorus levels exceed the goal established by the watershed management plan and cannot be achieved by reducing agricultural runoff. Because of results in the Cheney Reservoir Environmental Study, a new goal based on the minimum requirements for algae to grow, can be set. The report confirmed that phosphate levels in the reservoir could be reduced by changes in farming practices.
- Agricultural activities in the watershed account for 65% of the phosphorus entering the reservoir. Natural loading from the soils in the watershed accounts for 35% of this.
- Pesticide levels are significantly under the current drinking water standards and do not pose a threat to water quality.
- Nitrate levels are significantly under current drinking water standards and do not pose a threat to water quality.
- Significant levels of fecal coliform bacteria were observed in the watershed during runoff events, but always remained well within existing water quality standards.
- The rate that sediment is accumulating in Cheney Reservoir is less than the amount projected when the reservoir was constructed. This will extend the life of the reservoir.

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The CIP allocates \$200,000 per year for participation in the Cheney Watershed Protection Plan (CIP W-500) to assist in installing best management practices (BMP) that improve water quality in the watershed.

Motion – carried

Knight moved that the report be received and filed. Motion carried 6 to 0. (Gale absent)

EQUIPMENT

ASHBROOK BELT FILTER PRESS EXTENSIONS.

Agenda Report No. 02-1344

The Solids Handling Facility operates four (4) Ashbrook Belt Filter Presses, one of which has already been modified with an extension. The extension allows increased gallons to be treated without affecting the cake solids. Prior to installation of the extension, an increase in treated gallons resulted in lower cake solids. Reduction in cake solids results in a larger volume of biosolids that must be transported to agricultural land application sites with a corresponding increase in transportation costs. There is additional time required by Staff in applying the biosolids, additional fuel consumption, and wear and tear on equipment.

With the installation of only one extension, there has been a reduction in overtime and increased volume treated. Additional extensions will result in further reduction of overtime, transportation, and application costs. Therefore, Staff recommends that three (3) belt filter extensions be purchased for the remaining belt presses.

The proposed cost to retrofit the presses is \$258,600 (\$86,200 per machine) including a freight discount for bulk purchase. Funds are available in CIP S-500, Biosolids Management Plan.

Purchasing Ordinance No. 35-856, Section 2 (b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The purchase would be made from Fluid Equipment Company.

Motion --
-- carried

Knight moved that the purchase from sole source vendor be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

SETTLEMENT

PAYMENT OF SETTLEMENT.

Agenda Report No. 02-1345

Plaintiffs filed a class action against the City of Wichita challenging the Municipal Court's exercise of jurisdiction, arrest and incarceration of individuals on the time to pay docket. Following discovery, the parties engaged in mediation. As a result of the mediation, a proposed settlement offer was reached by the parties. The proposed settlement is subject to the Sedgwick County District Court's final approval. Final approval of the settlement by the District Court is scheduled to occur following notice to the individual class members.

The proposed settlement will include fines and costs owed by individual plaintiffs in cases which appeared on the time to pay docket to be forgiven, arrests from the time to pay docket to be expunged by the City of Wichita, cash payments to class members, with such payments subject to offset of any fines and costs owed by the individual in other court cases to the City of Wichita, and payment of attorney fees.

The proposed settlement of \$2,768,676 will be financed by the issuance of temporary notes.

The Law Department recommends the payment of the proposed settlement and the issuance of temporary notes.

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Motion --

Knight moved that payment of the settlement be approved, subject to final approval by the Sedgwick County District Court; and the Resolution authorizing the temporary note financing and any necessary temporary transfers of funds to satisfy the proposed settlement Agreement be adopted. Motion carried 6 to 0. (Gale absent)

-- carried

RESOLUTION NO. 02-226

A Resolution of the governing body of the City of Wichita, Kansas approving a settlement Agreement between the City and the Plaintiff in certain litigation filed against the City and approving the issuance of Temporary Notes and/or General Obligation Bonds of the City to pay the costs of such settlement, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

HOME PROGRAM

HOME PROGRAM CHANGES AND REALLOCATION.

Agenda Report No. 02-1346

The City of Wichita's HOMEownership 80 program was established in 1992 in order to assist low-income citizens (80% of median income) with the purchase of their first home. The program is funded through the City's annual grant from the Home Investment Partnerships Program (HOME Program). First-time homebuyers receive financial assistance in the form of a zero-interest deferred loan for down payments, closing costs, and minor repairs/rehabilitation. Citizens utilizing the program may obtain a deferred loan of up to \$7,500 for a down payment and closing costs. The balance of funds not used for this purpose, up to \$15,000, may be used for minor rehabilitation. An additional amount of \$1,500 is reserved for unforeseen repairs that may be required as a result of defects that could not be detected when the home was originally inspected. The program also provides for a deferred loan of up to \$25,000 for down payment and closing costs in connection with the purchase of a newly constructed home.

From July 1, 1998 to August 21, 2001, the program was only available in the City's 5 Local Investment Areas. Since August 21, the program has been available in the City's Redevelopment Incentives Area, in addition to the Local Investment Areas.

The Deferred Loan Program was established in 1992, with funding from the HOME Investment Partnerships Program (HOME). The purpose of the Deferred Loan Program is to provide very low-income owner-occupant homeowners (50% of median or less) with financing for rehabilitation of their homes. Financing is provided in the form of a 0% deferred loan, which is not due and payable until such time as the home is re-sold, or the family ceases to use the home as its principal residence. The program is administered by the Housing Services Department, and is currently targeted to the City's Local Investment Areas.

Recent changes in the regulations regarding lead-based paint have resulted in increased project costs for homes rehabilitated under the Deferred Loan Program.

Housing Services is requesting modification of the HOMEownership 80 program in order to allow for up to 20% of the purchase price or \$16,320, whichever is greater, for down payment and/or rehabilitation assistance, plus the eligible closing costs associated with the purchase of an existing home. This program design change will enable homebuyers to apply for the down payment assistance necessary to obtain a first mortgage loan through the Heart of Wichita Housing Fund. Homebuyers not utilizing the full amount of down payment assistance available will be able to access the balance of remaining funds for expenses incurred for minor rehabilitation/repairs required to increase the viability of the home and to bring the home into compliance with local housing standards. The program would continue to provide an additional allowance for unforeseen repairs that might be required within one year following closing, in connection with defects that could not be detected during the original property inspection performed by the Housing Services Department. This allowance would be increased to \$2,000, and would be provided in the form of a 0% deferred loan. The program would continue to provide up to \$25,000 for the down payment and closing costs associated with the purchase of a newly constructed home.

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Housing Services is also requesting re-allocation of \$400,000 to the Deferred Loan Program. There is currently a waiting list for families that have applied for assistance from the Deferred Loan Program.

Re-allocated funding for the Deferred Loan Program will come from year 2001-2002 HOMEownership 80 funding. Funding is available due to decreased program usage following implementation of Local Investment Area targeting requirements beginning with Fiscal Year 1998 HOME funds.

The proposed modifications for the HOMEownership 80 program are compliant with HOME program regulations. The re-allocation of funding to the Deferred Loan Program does not meet the criteria for a Substantial Amendment as defined in the City's Consolidated Plan because the Deferred Loan Program is not a new activity and the re-allocation amount does not exceed 20% of the 2001-2002 HOME grant award.

Motion --
-- carried

Knight moved that the Program changes and reallocation of funding be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

HOUSING PROGRAM ALLOCATION OF HOUSING DEVELOPMENT LOAN PROGRAM FUNDING.

Agenda Report 02-1347

The Housing Development Loan Program (HDLP) is a new program that was created as part of the 2001-2002 Consolidated Plan (CDBG/HOME/ESG) Funding process. The HDLP is funded through the HOME Program, and was allocated \$300,000.

The purpose of the HDLP is designed to provide subsidies for infill housing projects and to support the development of real estate that is idle or underutilized, and to provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organizations. Loan structure is dependent upon the type of project to be financed. The program may be utilized in older neighborhoods within the Wichita city limits provided that low-to-moderate income families are served.

A Request for Proposals was issued by the Housing Services Department for the HDLP. Two proposals were received, with both applicants requesting \$200,000. Power CDC, Inc., a City-approved Community Housing Development Organization has applied for funding in connection with a proposed single-family housing development on a vacant tract of land near 25th and Minnesota (east of I-135). It is expected that the project will provide for 11 HOME-funded single-family homes. The tract is located outside the Northeast Local Investment Area, but is adjacent to the City's Redevelopment Incentives Area. Housing Services has worked with Power CDC over the past year in order to develop housing at this site. Further, on October 16, 2001, the City Council approved donation of this land to Power CDC, for the development of single-family, owner-occupied housing. Central Plains Development, also submitted a proposal in connection with the development of 11 single-family homes on the former Rogers School site in the Planeview area. Central Plains currently owns the site. This would be the first large-scale single-family housing development in the Planeview area.

A committee, comprised of representatives from Housing Services, the Office of Central Inspection, and Planning reviewed the proposals. It was determined that both proposals met the criteria set forth in the RFP. The proposals were forwarded to the Housing Advisory Board (HAB) for further consideration and recommendation for funding.

The Housing Advisory Board considered both proposals during its April 16th meeting. Following presentations from both applicants, the HAB determined that both projects would benefit the community and would provide homeownership opportunities for low-income families. The HAB recommended funding both projects, provided that Housing Services Staff could identify the resources necessary to do so. Based on the HAB recommendation, Housing Services is requesting funding in the amount of \$200,000 for both projects.

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There is currently \$305,000 in funding available from the 2000-2001 Consolidated Plan funding allocation for Neighborhood Revitalization Area (NRA) Residential Development, which was reserved for single-family housing development. Housing Services recommends \$200,000 of this funding to be allocated for the Central Plains project, due to the fact that the project is located within the City's NRA, and meets the criteria for funding under this category. Housing Services recommends allocation of \$200,000 for the Power CDC project from the 2001-2002 HOME Consolidated Plan funding set aside for the Housing Development Loan Program.

Funding for both projects will be provided in the form of zero-interest, forgivable development subsidy loans. Proceeds available from the sale of the single-family homes, following repayment of construction loans and developer fees will be re-paid to the HOME program.

Funding agreements will be approved as to form by the City Law Department and will comply with HOME program regulations.

Motion --
-- carried

Knight moved that the funding be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

PROPERTY ACQ.

ACQUISITION OF A PART OF 2190 NORTH ROCK ROAD FOR THE INTERSECTION OF 21ST STREET NORTH AND ROCK ROAD. (District II)

Agenda Report No. 02-1348

On November 6, 2001, City Council approved an ordinance calling for the improvement of the Intersection of 21st Street North and Rock Road. The improvements will require the partial acquisition of the southeast corner of 21st and Rock Road. A 50 sq. ft. triangular tract is required and three temporary easements. Phillips Petroleum is the owner of the corner.

he permanent acquisition and the temporary easements have been valued at \$530.00. The owners have agreed to accept this amount. If the project impacts any improvements, these will be replaced as part of the project.

The Council approved \$580,000 in general obligation bonds for this project. A budget of \$780.00 is requested. This includes \$530 for each of the corner acquisitions, and \$250 for closing costs and recording fees.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

PROPERTY ACQ.

ACQUISITION OF SANITARY SEWER EASEMENT – 3912 SOUTH BROADWAY. (District IV)

Agenda Report No. 02-1349

The City Council has approved the construction a sanitary sewer line along South Broadway north of MacArthur. This approval was generated by a petition signed by more that half of the affected property owners and requested that the line be constructed and paid for via an assessment district.

The permanent easement contains 4,800 square feet. The owner has agreed to grant the City the easement over and upon this parcel for \$ 7,200 (\$ 1.50 per square foot).

A budget of \$7,200 is requested for the acquisition. The cost of the acquisition will be included in the assessment district.

Motion --
-- carried

Knight moved that the budget, Contract and Utility Easement be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

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CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 02-1350

On April 1, 2002 the Board of Code Standards (BCSA) held a hearing on the following seven (7) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Address</u>	<u>District</u>
1.	1339 South Santa Fe	I
2.	1665 North Minnesota	I
3.	327 South Sheridan	IV
4.	1616 South Emporia (garage)	III
5.	837 North Ohio	I
6.	1620 North Green	I
7.	1641 North Estelle	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on June 18, 2002 at 9:30 a.m. or as soon thereafter, be adopted. Motion carried 6 to 0. (Gale absent)

-- carried

RESOLUTION NO. R-02-208

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the north ½ of Lot 12, Block 1, Perry's Addition to Wichita, Sedgwick County, Kansas, known as 1339 South Santa Fe, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-02-209

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 47 and 49, Block 7, Kansas Addition to Wichita, Sedgwick County, Kansas, known as 1665 North Minnesota, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. R-02-210

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 47 and 49, Block 2, College Green, Sedgwick County, Kansas, known as 327 South Sheridan, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-02-211

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 2, 4, 6, 8 and 10, Emporia Avenue, Koenig's Addition to the City of Wichita, Sedgwick County, Kansas, known as 1616 South Emporia (garage), in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-02-212

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 18 and 20, Ohio Avenue, Elliott and Hammond's Addition to the City of Wichita, Sedgwick County, Kansas, known as 837 North Ohio, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-02-213

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 18 and 20, Green Avenue, Fairmount Orchards Addition to Wichita, Sedgwick County, Kansas, known as 1620 North Green, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-02-214

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 33 and 35, Estelle Avenue, Fairmount Orchards Addition to Wichita, Sedgwick County, Kansas, known as 1641 North Estelle, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 02-1367

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

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City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided, and includes a total of 128 handguns and 112 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 6 to 0. (Gale absent)

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ APRIL 16,2002)

(Item 32a)

- a) Regional Events Facility Election.
PULLED FROM AGENDA
- b) 2002 Arterial street and bridge design program.

ORDINANCE NO. 45- 304

1. An Ordinance declaring 29th Street North, from Maize Road to Tyler Road (472-83505) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45- 305

2. An Ordinance declaring Central Avenue, from Woodlawn to Rock Road (472-83506) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45- 306

3. An Ordinance declaring Main Street, from Douglas to Murdock (472-83507) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45- 307

4. An Ordinance declaring 13th Street North Bridge at Cowskin Creek (472-83511) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45- 308'

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5. An Ordinance declaring 15th Street North Bridge at Wichita Drainage Canal (472-83512) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45- 309

6. An Ordinance declaring 21st Street North Bridge over the West Branch of Chisholm Creek at St. Francis (472-83513) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45- 310

7. An ordinance declaring Mt. Vernon Bridge over Dry Creek at Bluff Street (472-83514) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45- 311

c) A02-06 – ½ mile north of MacArthur, east of Ridge Road

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight. A02-06

PLANNING AGENDA

Marvin Krout

Director of Planning stated that the Planning Agenda, except Item 36, could be considered as consensus, unless the Council desired to withhold Items.

Motion --
-- carried

Knight moved that the Planning Agenda, except Item 36, be approved as consensus Items. Motion carried 6 to 0. (Gale absent)

DED2002-13

DED2002-13 – DEDICATION OF UTILITY EASEMENT – SOUTHWEST CORNER OF SENECA AND CRAWFORD. (District IV)

Agenda Report 02-1351

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Zoning Case No. ZON 2001-55, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

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SUB2001-106

SUB2001-106 – PLAT OF CHURCH OF THE MAGDALEN SECOND ADDITION – NORTHWEST CORNER OF 21ST STREET NORTH AND 127TH STREET EAST. (District II)

Agenda Report 02-1352

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This plat is zoned SF-5, Single-Family Residential and municipal services are available.

In order to provide for the ownership and maintenance of the reserve, the applicant has submitted a restrictive covenant. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the document and Plat be approved; and the necessary signatures be authorized.
Motion carried 6 to 0. (Gale absent)

VAC2002-00007

VAC2002-00007 – VACATE PORTION OF PLATTED SETBACK – SOUTHWEST OF ESTHNER/MERIDIAN AVENUE INTERSECTION. (District IV)

Agenda Report No. 02-1353

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant proposed to add an 11 foot x 19.15 foot greenhouse – sunroom addition to his existing steel and metal building. The addition will encroach 10.17 feet into the platted 35-foot front setback for a distance of 19.15 foot, the length of the addition. The current front setback requirement in the zoning code for LI Limited Industrial zoning is 20 foot. The proposed encroachment will not exceed the current in the zoning standard. The encroachment will be in only a portion of the platted 35-foot setback, equal to the size of the addition per the legal description.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

(Item 36)

ZON2002-00010

ZON2002-00010 – ZONE CHANGE FROM NEIGHBORHOOD RETAIL TO LIMITED COMMERCIAL AND AMENDMENT OF PROTECTIVE OVERLAY #41. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 02-1354

MAPC Recommendation: Approve, subject to staff recommendations. (11-1)

Staff Recommendation: Approve, subject to conditions.

The applicant requests a zone change from "NR" Neighborhood Retail to "LC" Limited Commercial on Lot 2, Calliendo 11th Addition. The applicant also requests an amendment of PO (Protective Overlay)

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#41 on Lots 1 and 2, Calliendo 11th Addition. The purpose of both requests is to allow uses permitted in the "LC" Limited Commercial district.

In 1998, the applicant rezoned Lot 1 from "GO" to "NR", and rezoned Lot 2 from "GO" to "LC". A condition of the 1998 rezoning was PO #41, which reads as follows:

1. Complete access control to Webb Road shall be maintained except for the north 60 feet of Lot 2, and the south 60 feet of Lot 1.
2. The owner of Lot 1 shall allow access between his driveway opening and the lot abutting to the south of Lot 1.
3. The owner of Lot 2 shall allow access between his driveway and the lot abutting to the north of Lot 2.
4. The south 57.5 feet of Lot 2 shall be limited to those uses and signs permitted on properties zoned "NR" Neighborhood Retail district.

The applicant indicates that he has tried to market the "NR" zoned Lot 1 unsuccessfully since the 1998 rezoning, he feels that this property would be marketable if zoned "LC". Likewise, the applicant feels that Lot 2 would be marketable if PO # 41 item 4 were removed. Along with his application, the applicant submitted three letters from neighboring property owners, all within the official notification area. Letters from these three neighbors indicated support of the requested zone change from "NR" to "LC".

The 2.03-acre application area is currently vacant. Property to the north is zoned "GO" and developed with a single family residence, further north is the "LC" zoned and commercially developed Harry and Webb intersection. South of the application area is an "SF-5" zoned single-family residence, further south are "TF-3" zoned two-family residences. East of the application area, across Webb, is an "SF-5" zoned single-family residence, and an "SF-5" zoned church. West of the application area are "TF-3" zoned two-family residences, and "GO" zoned property developed with offices.

A change from "NR" to "LC" zoning at this location, to include removal of PO #41 item 4, would permit additional and more intense uses. Examples of these more intense uses would include restaurants with drive through windows, convenience stores, nurseries and garden centers, pawn shops, night clubs, car washes as a conditional use, and others. Commercial development at this location, whether under "NR" or "LC" zoning, would require conformance to all development standards of the Unified Zoning Code, to include compatibility setbacks from residential neighbors, screening, and compliance with the Landscape Ordinance.

The "Wichita Land Use Guide" identifies the application area as "Commercial". Likewise, the application area meets the "Commercial Locational Guidelines" of the Plan. Staff feels that PO #41 could be amended to allow "LC" zoned uses on the application area, but still control vehicular traffic access, and protect the residential neighbors from excessive commercial signage and noise.

MAPC heard this request at their regularly scheduled hearing on April 4th, 2002. One neighbor spoke in opposition of the zone change request; the neighbor lives in a two-family dwelling abutting the application area to the west. The neighbor stated her concern with potential noise from drive through restaurant speakers near her property, and the potential nuisance of restaurant trash dumpsters near her property. Neither the applicant nor his agent were present at the MAPC hearing. MAPC voted 11-1 to approve the zone change request, and to amend PO#41 as recommended by staff to read:

1. Complete access control to Webb Road shall be maintained except for the north 60 feet of Lot 2, and the south 60 feet of Lot 1.
2. The owner of Lot 1 shall allow access between his driveway opening and the lot abutting to the south of Lot 1, should that property be rezoned to a non-residential district.
3. The owner of Lot 2 shall allow access between his driveway and the lot abutting to the north of Lot 2.
4. The owners of lots 1 and 2 shall allow cross access between the two lots.
5. No portable or off-site signs shall be allowed on Lot 1 or 2.

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Planning staff received one letter in protest of the zone change and PO amendment request. Staff also received six protest petitions, four of which were within the protest area, accounting for 19.54 percent of the protest area. The protesting percentage is just under 20 percent, which would require an overriding supermajority vote by the City Council. All of the protest petitions mention noise associated with restaurant drive through windows as a concern; in addition, several protest petitions state concern over long hours of operation, traffic, and dumpsters. The applicant and his agent have since worked with staff to address the issue of drive through speakers. The applicant has agreed to support an additional PO#41 item which would state:

“Speakers associated with drive-up windows shall be directed away from any residential zoned district and shall be a minimum of 50 feet from any residential zoned district.”

Motion --

Pisciotte moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change and PO#41 amendment be approved to read as follows:

1. Complete access control to Webb Road shall be maintained except for the north 60 feet of Lot 2, and the south 60 feet of Lot 1.
2. The owner of Lot 1 shall allow access between his driveway opening and the lot abutting to the south of Lot 1, should that property be rezoned to a non-residential district.
3. The owner of Lot 2 shall allow access between his driveway and the lot abutting to the north of Lot 2.
4. The owners of Lots 1 and 2 shall allow cross access between the two lots.
5. No portable or off-site signs shall be allowed on Lot 1 or 2.
6. Speakers associated with drive-up windows shall be directed away from any residential zoned district and shall be a minimum of 50 feet from any residential zoned district;

-- carried

and that the Ordinance be placed on first reading. Motion carried 6 to 0. (Gale absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2002-00010

ZON2002-00011

ZON2002-00011 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL OFFICE – SOUTH OF HARRY, EAST OF MISSION. (District III)

Agenda Report No. 02-1355

MAPC Recommendation: Approve. (12-0)

Staff Recommendation: Approve.

The applicant requests a zone change from “MF-29” Multi-Family Residential to “GO” General Office on a 0.19 acre platted tract located south of Harry and east of Mission. The subject property also is located within Airport Overlay District III – North, which places additional land use controls on the property to ensure compatibility with operations at McConnell Air Force Base.

The subject property formally was developed with a duplex that recently has been razed. The applicant proposes to develop the subject property with expanded parking facilities for the adjacent dental office the applicant owns on the property to the north.

The surrounding area is characterized by commercial and multi-family residential uses. The property to the east is zoned “GO” General Office and “GC” General Commercial and is developed with a golf driving range. The property to the west is zoned “LC” Limited Commercial and is developed with a convalescent care facility. The properties to the north across Harry are zoned “LC” Limited Commercial and “B” Multi-Family Residential and are developed with a grocery store and apartments,

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respectively. The properties to the south are zoned "MF-29" Multi-Family Residential and are developed with duplexes.

At the April 4, 2002 public hearing, the MAPC voted (12-0) to recommend the rezoning request for approval. There were no speakers in favor of or in opposition to the request at the hearing.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Gale absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2002-00011

ZON2002-00012

ZON2002-00012 – ZONE CHANGE FROM STREET RIGHT-OF-WAY/TWO-FAMILY RESIDENTIAL TO GENERAL OFFICE – EAST OF HILLSIDE, SOUTH OF ORME.
(District II)

Agenda Report No. 02-1356

MAPC Recommendation: Approve, subject to staff recommendations. (12-0)

Staff Recommendation: Approve, subject to platting within one year.

The applicant is requesting "GO" General Office zoning for a 0.85-acre tract located at the southeast corner of Hillside and Orme. The property is owned by the City of Wichita and is identified as surplus right-of-way. It was originally acquired for the Kellogg/Hillside interchange. The contract purchasers have acquired the residual property rights in the land and intend to construct offices on the site. The land south of the site also is vacant, but is owned by the contract purchasers for this application and was rezoned to "GO" General Office in 1999, subject to platting that was completed in 2001. If this application is approved, the two tracts could be developed together.

The property to the south is vacant but zoned for office use. A mix of nine residences and three offices are located west of Hillside between Orme and Gilbert. The property along Hillside in the next block to the south is interspersed with five office uses, one commercial use, and 15 residences. The remaining block on Hillside south to Lincoln includes all commercial uses except two four-plexes, and one residence. The prevailing sign heights along Hillside are low, generally below six feet in height, with two exceptions. Most are monument-style signs.

The area east of the site is all residential housing, mostly single-family. Calvary Cemetery is located two blocks to the northeast.

The application area has been vacant since it was acquired and cleared as part of the Kellogg construction in the mid-1970s. Prior to the 1970s, residences similar in character to the houses in the surrounding area occupied the property.

At the MAPC meeting held April 4, 2002, MAPC voted (12-0) to approve subject to platting within one year, with the recommendation that as part of platting, a cross-circulation access agreement be submitted and there be a limitation of one right-in/right-out only access point located mid-block.

Motion --

Knight moved that reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to platting within one year; and the Ordinance to be forwarded for first reading when the plat is forwarded. Motion carried 6 to 0. (Gale absent)

-- carried

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DR2002-10

DR2002-10 – RENAME STACKMAN DRIVE TO MUSEUM BOULEVARD (CENTRAL TO SIM PARK DRIVE); AND RENAME SIM PARK DRIVE TO MUSEUM BOULEVARD (STACKMAN DRIVE TO AMIDON). (District VI)

Agenda Report No. 02-1357

Staff Recommendation: Approve the street name changes.

MAPC Recommendation: Approve the street name changes.

During the planning stage of the Art Museum and Seneca Street construction projects, there was discussion concerning the renaming of sections of Stackman Drive and Sims Park Drive to Museum Boulevard. The intent of this street name change request is to help reinforce the concept of the Museums on the River District. This would lead to further distinction for the museums and institutions within the Museum District, help improve their identity, and assist visitors in finding their facilities.

The Wichita Art Museum supports the street name changes to Museum Boulevard. The Water and Sewer Department and Sedgwick County's Old Cowtown Museum have also expressed support for this request.

The Wichita-Sedgwick County Address Committee approved the request at their March 12, 2002 meeting.

Motion --
-- carried

Knight moved that the street name changes be approved and the Ordinance be placed on first reading.
Motion carried 6 to 0. (Gale absent)

ORDINANCE

An Ordinance changing street names from Stackman Drive to Museum Boulevard, extending from Central to Sim Park Drive; and Sim Park Drive to Museum Boulevard, extending from Stackman Drive to Amidon, introduced and under the rules laid over. DR2002-10

DR00-11

DR00-11 – SIX-MONTH REVIEW OF DEVELOPMENT MORATORIUM FOR PROPERTIES ALONG SENECA AND WEST DOUGLAS IN THE DELANO NEIGHBORHOOD. (District IV)

Agenda Report No. 02-1358

On November 6, 2001, the Wichita City Council adopted a one-year moratorium on development in the Delano Neighborhood. The moratorium was adopted for a period of up to one (1) year, subject to review after six months, with a determination by the City Council of the length of time for continuation of the moratorium and/or modification of any of its provisions. The area within the scope of the moratorium includes those properties with frontage on Seneca between McLean and Kellogg, and Douglas between McLean and Seneca.

The moratorium was adopted to protect the approximately \$6 million in capital improvements being made along Douglas and Seneca, the two main arterials in the Delano neighborhood. The Seneca Street project is currently under construction, with construction along Douglas scheduled to begin in late spring. In addition, the moratorium was adopted to provide City Staff adequate time to continue working with neighborhood stakeholders and a consultant in the development of a design overlay district. The moratorium was also adopted to ensure that new development during this time occurred in a manner that is compatible with the Delano Neighborhood Revitalization Plan, which was adopted in 2000 as an amendment to the Wichita-Sedgwick County Comprehensive Plan

The moratorium entailed the following conditions:

1. Place a prohibition on off-site signs for one year.
2. Allow staff review of certain types of permits (new building construction; other types of sign permits; additions or remodeling that changes the appearance of building facades facing either of these

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streets or the cross streets intersecting these streets; new curb cuts) for conformance with the goals and guidelines contained in the adopted Delano Neighborhood Plan. Any permits deemed to be contrary to the plan would not be processed by staff, but could be appealed to the City Council. Other types of permits would continue to be issued with no review or restrictions.

The Office of Central Inspection has received three (3) permit applications since the moratorium was adopted. One permit application was for an off-site sign at the intersection of Seneca and Maple, and was denied shortly after the moratorium was passed, but was not appealed to the City Council. Because the moratorium specifically prohibited off-site signs, no review by the Director of Planning and Zoning Administrator was necessary.

The second permit application was for a 4'x8' wall sign to be placed on the side of building at the intersection of Maple and Seneca, and was approved after review by a committee consisting of the Zoning Administrator, the Historic Preservation Officer, and the Director of Planning.

The third permit application was for an awning to be attached to a building in the 700 block of East Douglas. It was also approved after review by the committee previously listed.

Concerning the design overlay district, staff has been working with the consultant over the past month to develop an overlay that is compatible not only with the Unified Zoning Code, but with the desires of the neighborhood stakeholders as well. In addition, staff has been working to make the overlay as user-friendly as possible. Once staff has concluded their revisions, a public input process will need to take place so that neighborhood stakeholders are given the opportunity to comment on the proposed overlay. This is especially significant considering that the adoption of the design overlay district will be simultaneous with the re-zoning of the neighborhood.

Accordingly, the amount of time required to complete this entire process is anticipated to take five to six months (until November 2002). This time frame includes public information meetings, staff revisions, and the public hearings required for adoption of the design overlay district by the governing bodies.

Continuation of the moratorium itself involves no additional funding on the part of the City. However, failure to continue the moratorium could compromise the impact/intent of the approximately \$6 million of City funds being invested towards the ultimate beautification of the Seneca and Douglas Street Corridors.

The City has the authority to establish a development moratorium for specific purposes and a limited time, which was set forth in the resolution establishing the development moratorium.

Motion --
-- carried

Knight moved that the development moratorium in its current form be continued for an additional six months. Motion carried 6 to 0. (Gale absent)

02-08

A02-08 – ANNEX LAND AT THE SOUTHWEST CORNER OF HILLSIDE AND 53RD STREETS NORTH; APPROVE SANITARY SEWER PETITIONS. (District I)

Agenda Report No. 02-1359

The Wichita Public Schools, USD 259, has made a request to annex approximately 74 acres situated at the southwest of Hillside and 53rd Street North. The property is owned by the Wichita Public Schools, is the site of Heights High School, and is adjacent to the City of Wichita on the south and west. The City of Park City lies to the northwest of the proposed annexation site. A petition for sanitary sewer service has also been submitted.

Land Use and Zoning: The proposed annexation site is the site of Heights High School and is zoned "SF-20" Single Family Residential and "LC" Limited Commercial. Land to the west, north, and south is primarily agricultural, while land to the east is residential. Land north and east of the proposed annexation site is zoned "SF-20" Single Family Residential and "LC" Limited Commercial, while land west and south is zoned "SF-5" Single Family Residential. Upon annexation, the "SF-20" Single

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Family Residential zoning of the subject property will convert automatically to "SF-5" Single Family Residential.

Public Services: The City of Park City currently handles water and sewer service for the proposed annexation site. However, the City of Wichita Public Works Department indicates that the property proposed for annexation has petitioned for sewer service from the City of Wichita. A copy of the sanitary sewer service petition is included for reference. The sewer line that will be constructed to serve the City of Kechi will also serve the proposed annexation site as well as future development to the south of 53rd Street North. Additionally, it is anticipated that future water service for the proposed annexation site will be provided by the City of Wichita once the sewer main is completed.

Street System: The property proposed for annexation will have access to 53rd Street North (2-lane arterial), which serves the area as the nearest major east-west road, and Hillside (2-lane arterial), which serves the area as the nearest north-south road. There are no plans to further improve these sections of road in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.), and the 2030 Transportation Plan does not project the need for widening either road.

Public Safety: Under the City-County first response agreement, fire services to this site can be provided within a five (5) to seven (7) minute approximate response time from County Station #32 located at 501 East 53rd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

Parks: Two parks and a greenway are located approximately three (3) miles south and southeast of the property proposed for annexation. Located southeast of the site, Chisholm Creek Park, a 281.90-acre regional park, features a 1.6 mile nature trail along Chisholm Creek, a wetlands area, and the Great Plains Nature Center. Located south of the site, Grove Park, a 125.85-acre regional park, contains a football field, basketball court, play area, and picnic area.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The approximate assessed value of the property proposed for annexation is \$811,820. Assuming the current City levy remains about the same, this would normally yield \$25,496 in City annual tax revenues. However, because the property is owned by the Wichita Public Schools, it will be exempt from property taxes. The school district will provide revenues through franchise, water, sewer, and stormwater utility fees.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation request and Petition be approved; the Resolution be adopted; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Gale absent)

RESOLUTION NO. 02-227

Resolution of findings of advisability and Resolution authorizing construction of Part A, Main 13, Sanitary Sewer #23 (west of Hillside, south of 53rd Street South) 468-83440, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight. (A-02-08)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A02-08

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A02-09

A02-09 – ANNEX LAND ½ MILE SOUTH OF MACARTHUR, WEST OF HOOVER ROAD.
(District V)

Agenda Report No. 02-1360

The City has received a request to annex approximately 8 acres situated ½ mile south of MacArthur and west of Hoover Road. The developer is planning to construct 20 single-family dwellings on the site, and 100% development completion is projected to occur in ten (10) years. The site abuts the current City of Wichita limits on the north. This annexation request was submitted together with petitions from a separate owner of tracts to the south and southeast, including the tract that the City requested and the County denied as an “island”. This annexation will enable the annexation of the other two tracts.

Land Use and Zoning: The annexation site is presently in agricultural production and zoned “SF-20” Single Family Residential and “RR” Rural Residential. Land south and west of the site is also in agricultural production and is zoned respectively “SF-20” Single Family Residential and “RR” Rural Residential. Land north is zoned “SF-5” Single Family with residential homes on platted urban lots in the Wheatland Addition subdivision. Oatville School is located directly east of the site and zoned “SF-20” Single Family. Upon annexation, the “SF-20” Single Family Residential and “RR” Rural Residential zoning of the subject property will convert to “SF-5” Single Family Residential.

Public Services: The City Water and Sewer Department indicates that City services will be provided to the annexation site upon petition by the developer.

Street System: The property proposed for annexation will have access via South Boyd Street to Hoover (two-lane arterial), which serves the area as the nearest north-south road, and MacArthur (two-arterial road), which serves the area as the nearest east-west road. There are no plans to further improve these road segments in either the 2002-2011 City of Wichita Capital Improvement Plan (C.I.P.) or the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.). However, the 2030 Transportation Plan shows MacArthur improved to a four-lane arterial.

Public Safety: Fire services to this site can be provided within a ten (10) to twelve (12) minute approximate response time from City Station #19 located at 600 W. MacArthur. Although new fire stations are being constructed in South Wichita, approximate response times to this site are not expected to improve. As further development occurs southwest of the City, an additional fire station may be warranted. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: South Lakes Park, a 247-acre park, is located approximately 2 mile southeast of the proposed annexation site.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan, and future residential growth patterns for the City of Wichita as depicted on the Wichita Land Use Guide.

The approximate appraised value of the property is \$45,670, resulting in an assessed value of \$5,252. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$165 in City annual tax revenues for the property. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$1,560,000 when development is completed, resulting in an assessed value of \$179,400. Assuming the current City levy remains about the same, this would roughly yield \$5,634 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation request be approved and the Ordinance be placed on first reading.
Motion carried 6 to 0. (Gale absent)

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ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A02-09

PROPERTY ACQ.

ACQUISITION OF LANDS ASSOCIATED WITH ABANDONED U.P. RIGHT-OF-WAY THROUGH MIDTOWN, DOWNTOWN, AND DELANO. (Districts IV and VI)

Agenda Report No. 02-1361

In July of 1998, the Union Pacific Railroad filed an application with the federal Surface Transportation Board (STB) to abandon that portion of its rail ROW corridor that extended from the Hardtner Junction switch (west of Exposition Street) in the Delano neighborhood over to 15th Street and Broadway in the Midtown neighborhood. An abandonment approval was issued by the STB in August 1998. The U.P. Railroad had a permanent easement for railroad uses along much of this corridor. In October of 1999, the Union Pacific transferred by quit-claim deed to the City of Wichita, all their interest in this corridor. Upon the abandonment of the corridor, unencumbered ownership of the ROW corridor lands reverted on an even basis to the adjacent property owners. City Property Management staff researched and determined which properties the City retained unencumbered ownership to along this ROW corridor. Staff found that the City held reversionary ownership rights to significant portions of the ROW corridor between Exposition Street and 15th Street. Notice of official railway ROW abandonment has not yet been sent to individual property owners within this ROW, nor have all the rails and ties been removed.

In early 2000, MAPD staff began work on the development of the Delano Neighborhood Revitalization Plan. Determining the most appropriate future use of the abandoned U.P. rail ROW corridor between Exposition Street and McLean Boulevard was an important land use planning issue identified early in the planning process. In conjunction with the development of the Delano Neighborhood Plan, staff also began evaluating and developing future land use opportunities and concepts associated with that segment of the abandoned U.P. rail ROW corridor running east of McLean thorough the downtown area and the Midtown neighborhood. A number of future use scenarios incorporating a system of greenways were prepared by MAPD for review and comment by senior City management staff and the City council member for District VI. During this time, the City received enquiries from a few property owners adjacent to the abandoned rail ROW corridor wondering what the City's long-term plan was for the abandoned rail corridor lands. A few businesses located adjacent to the corridor also expressed interest in purchasing, if available, some of the City's portion of the reverted ROW corridor lands.

In April 2001, the Delano Neighborhood Revitalization Plan was completed and adopted by the City of Wichita and Sedgwick County. The Plan calls for the conversion of the abandoned U.P. rail ROW corridor from Exposition Street to McLean Boulevard into a greenway system tied into future park node developments proposed at the easterly and westerly extremities of this corridor.

In early 2002, funding became available to allow the City to pursue acquisition (utilizing fee simple purchase, dedication or public access easement options) of certain parcels associated with the abandoned U.P. rail corridor that would close gaps and enable the development of a greenway corridor concept through Delano, downtown and Midtown. Concurrently, work began on a neighborhood plan for Midtown that will address the future land use opportunities associated with the development of a greenway system along that portion of the abandoned U.P. corridor extending from Murdock Street to 15th Street. A land acquisition concept map for parcels associated with the development of a "greenway" within the abandoned U.P. corridor has been submitted to Council for their review.

Staff recommends the following actions related to City acquisition of certain parcels associated with the abandoned U.P. Rail ROW through the Midtown, Downtown and Delano areas:

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1. Notify all landowners abutting the former U.P. ROW through Midtown, Downtown and Delano that: the ROW has been abandoned; that they have underlying rights to portions of the ROW and the attendant maintenance responsibilities; that the City also has rights to other portions; that the City has intentions of establishing "greenways" within the U.P. corridor utilizing portions of the abandoned ROW; and, the City does not intend to vacate any parallel street ROW associated with the corridor.
2. Invite all landowners abutting the former U.P. ROW through Midtown to participate in the neighborhood planning effort currently underway for the Midtown Neighborhood, in order to help define the future character of the "greenway".
3. Invite all landowners abutting the former U.P. ROW through Delano to participate in the ongoing implementation initiatives associated with the recently adopted Delano Neighborhood Revitalization Plan.
4. Direct City staff to pursue the acquisition of key corridor associated parcels through Midtown, Downtown and Delano that will provide necessary connections and land area for the "greenway" through those neighborhoods.

Council has allocated funding, in the total amount of \$79,119 (CDBG funds), for the acquisition of key segments of land associated with the abandoned U.P. ROW corridor in Delano and Midtown.

The City will need to negotiate agreements with those property owners associated with the abandoned U.P. ROW corridor that have been identified for land acquisition (utilizing fee simple purchase, dedication or public access easement options).

Motion --

-- carried

Knight moved that notification to landowners of the City's intent to develop greenways and invite their participation in neighborhood planning efforts, and pursuit of acquisition key parcels along the corridor be authorized. Motion carried 6 to 0. (Gale absent)

R.R. CORRIDOR

BNSF AND CKR RAILROAD CORRIDOR PRESERVATION.

Agenda Report No. 02-1362

Staff Recommendation: Authorize staff to prepare plan for the BNSF Corridor and negotiate.

A recent study of the Burlington Northern Santa Fe Railroad (BNSF) line in east Wichita by Baughman Company has been reviewed by the City Council. The study evaluated the rail corridor to be abandoned, and determined that it provides important drainage and utility functions today, and presents additional opportunities for utility and multi-use recreational greenways or paths along this corridor.

Abandonment of the BNSF line in east Wichita is anticipated in the immediate future. The limits of the eastern abandonment are expected to be from the Sedgwick-Butler County Line to approximately 13th Street North and Washington Street in Wichita.

A second line is in the process of being abandoned by the Central Kansas Railway, L.L.C. (CKR) on the west side of Wichita. Rail service has been re-aligned to allow removal of the Cowskin Bridge that was responsible for flooding and to facilitate interchange improvements in the Kellogg corridor. The CKR rail line abandonment extends from McCormick Avenue, south of Kellogg, westward to the eastern city limits of Garden Plain, Kansas. The City has already railbanked the section from Hoover Rd. to 119th Street West, and Sedgwick County has railbanked the mile-section between 119th and 135th Streets.

The rail line proposed for abandonment by the BNSF is identified as a proposed greenway in the Parks and Open Space Master Plan. The Baughman study recommended that the City preserve this corridor for existing and future drainage, utilities, and potential recreational use, describing it as a unique opportunity for future public benefits. The study suggested that various difficulties limit the feasibility of operating a passenger rail service; therefore, the City would not need to retain the existing rails and ties along this corridor. The study also suggested that the corridor could be allowed to be abandoned,

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through the industrial area west of I-135. Additional services for the BNSF corridor will be used to develop a plan for recreation and utility functions.

Extension of railbanking two additional miles to 167th Street West, and assumption of the Sedgwick County mile-section from 119th to 135th Street, allows for a multi-use easement serving the long-range growth needs of Wichita and potential trail linkage to Goddard. A study, similar to the one for the BNSF line should be conducted next year, after the involvement of Goddard and Garden Plain are determined, to identify public use priorities. However, negotiations for railbanking must be accomplished immediately, to meet the Surface Transportation Board's second application extension period for this segment of the corridor.

Federal transportation planning funds available to the Metropolitan Area Planning Department may be used to pay for the development of a plan for the BNSF corridor. Railbanking will prevent encroachments by abutting landowners and keep the option open for various uses of the railroad corridors, but some of these uses may require the consent of, or compensation to abutting owners.

The Law Department has provided input to the discussion of various options for these two corridors.

Motion --

Knight moved that the Staff be authorized to:

- 1) Negotiate with the CKR to extend railbanking from 135th St. West. to 167th Street West;
- 2) Negotiate the transfer of the one-mile railbanked section between 119th Street West and 135th Street West from Sedgwick County to City of Wichita responsibility;
- 3) Negotiate with the BNSF railroad for railbanking the right-of-way from I-135 eastward to the Butler County Line, allowing the railroad to salvage the rails and ties;
- 4) Support the BNSF rail line abandonment west of I-135; and
- 5) Contract for professional services to prepare a corridor plan for the BNSF rail line

-- carried

Motion carried 6 to 0. (Gale absent)

OFF AGENDA ITEM

MIDTOWN NEIGHBORHOOD RESIDENTIAL AREAS.

Council Member Fearey

Council Member Fearey said a neighborhood planning study for the MidTown neighborhood is expected to be completed by the end of the year. "One of the primary goals of the neighborhood planning effort is to preserve and strengthen the residential areas of MidTown. In the meantime, I have received expressions of concern from MidTown citizens that some activities may be allowed under the current regulations for this area, while we are working to complete this study, that will be contrary to that goal. One particular area is the 1600 block of North Topeka, which is developed with single family homes, mostly owner-occupied, on both sides of the block except for one vacant lot. Because the land on this block was zoned General Commercial decades ago, when the UP railroad near this block was active and someone thought it could redevelop with heavy commercial uses, we have the prospect of an auto paint or body shop on the one vacant lot on this block, which could absolutely ruin the quiet residential character of this area.

"I have asked the City Manager to have staff undertake an analysis of what kinds of special interim regulations might be appropriate over the next several months, while we are working to complete the neighborhood plan, and to place this as an item on next week's agenda for our consideration. This might involve a temporary prohibition on demolishing residences unless they have been condemned or there is some emergency situation, and on new commercial construction or additions on vacant lots that are zoned commercial or industrial but are in areas that are predominantly residential in character, and possibly restrictions on conversions of single family homes to commercial or multifamily uses. The area that I am talking about is bounded by 18th Street on the north, Murdock on the south, the Arkansas River on the west, and the railroad corridor on the east."

Motion --

-- carried

Fearey moved that consideration of special interim land use regulations for the MidTown neighborhood be set for May 14, 2002. Motion carried 6 to 0. (Gale absent)

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AIRPORT AGENDA

AIRPORT

AIRLINE USE AGREEMENTS - AIRTRAN AIRWAYS, ATLANTIC COAST AIRLINES, AND CHAUTAUQUA AIRLINES.

Agenda Report No. 02-1363

Chautauqua Airlines d/b/a the American Connection began serving Wichita Mid-Continent Airport on March 2 of this year. This airline provides two flights to St. Louis using 44-passenger Embraer Regional Jets. This service replaced two of American Airlines' five flights to St. Louis. AirTran Airways will begin serving Wichita on May 8, 2002, using Boeing 717 aircraft. The airline will provide three daily flights to Atlanta and two daily flights to Chicago Midway. Atlantic Coast Airlines d/b/a United Express will begin service to Wichita on June 7, 2002, using 50-passenger Canadair Regional Jets. The airline will provide a total of six daily departures to Chicago O'Hare, replacing three of United's existing flights, and adding three flights.

The Wichita Airport Authority has a standard lease and use agreement with the passenger carrying airlines serving Wichita Mid-Continent Airport. This agreement offers the same terms and conditions as those offered to other passenger-carrying airlines. The security agreement covers the shared costs of a dedicated law enforcement officer to the passenger screening process. All current agreements expire on December 31, 2002.

These agreements establish the basis for consistently calculating the rates that apply to signatory passenger airlines at Wichita Mid-Continent Airport. The current landing fee rate is \$1.87 per thousand pounds of maximum gross landed weight and the average terminal rate is \$25.99 per sq. ft. Chautauqua Airlines is being handled by American Airlines, and Atlantic Coast will be handled by United. Consequently, neither airline will be renting any exclusive use terminal space. Air Tran, however, will lease space in the terminal building. A security deposit equal to two month fees is required of each airline.

Motion --
-- carried

Knight moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

AIRPORT

U.S. DEPARTMENT OF AGRICULTURE AGREEMENT.

Agenda Report No. 02-1364

The U. S. Department of Agriculture/Wildlife Services assists public and private agencies in the control of wild animals and birds injurious to agriculture, horticulture, forestry, animal husbandry, wildlife, property, and public health and safety. Wildlife Services (WS) also provides assistance to the FAA in resolving wildlife hazards to aviation, thus enhancing public safety. Based upon a study conducted by WS in 1998 on Wichita Mid-Continent Airport, it was noted that additional study needed to be completed, and that further measures should be developed to protect Mid-Continent Airport from occurrence of these types of hazards. In 2000, the WAA entered into an agreement with the U. S. Department of Agriculture in the amount of \$35,000 to provide funding for a specialist to provide services to Wichita Mid-Continent Airport for 28 hours of service per week.

WS prepared a cooperative services agreement to collect biological assessment information, provide periodic wildlife damage management training to Airport personnel and assist Airfield Operations and Maintenance personnel by responding directly to known wildlife nuisances and hazards. The objective/goal is to provide a year-long wildlife hazard analysis and develop a report consisting of: wildlife species found within the airport environment, wildlife abundance, seasonal wildlife population trends, peak usage periods, special hazard zones, environmental and man-made habitat factors that encourage wildlife, management recommendations, and the legal status of problem species. Information is compiled for both Mid-Continent and Jabara Airports.

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The cost estimate for the services provided is \$36,181. This amount includes personnel costs as well as supplies and materials. One specialist will be assigned to the project for approximately 31 hours per week. Work hours will vary to most appropriately address wildlife damage management problems. Funds are included in the operating budget.

Motion --
-- carried

Knight moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

AIRPORT

ELECTRICAL SERVICES AIRPORT DEVELOPMENT CHANGE ORDER.

Agenda Report No. 02-1365

On March 27, 2001, the City Council approved a project to extend electrical services to an undeveloped area for future development and to relocate and upgrade electrical services for expansion to a FlightSafety facility. Atlas Electric was awarded the contract for the electrical improvements.

A change order has been prepared to replace an existing transformer with a larger transformer to accommodate the entire facility. The cost of the work is \$24,182 which will be funded with General Obligation Bonds paid by airport revenues. The Change Order is within the project budget.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

AIRPORT

SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.

Agenda Report 02-1366

In late February 2002, the Small Community Air Service Development Pilot Program was funded, and the Department of Transportation issued Docket OST-2002-11590 providing for the procedure small communities must follow in order to submit a proposal for funding. Based on the Air Service Development Program which was previously initiated by the City of Wichita and the Wichita Airport Authority, as well as the subsequent contract with AirTran Airways, a proposal has been developed which requests federal funds in the amount of \$2,500,000 for the first year, \$2,000,000 for the second year, and \$1,000,000 for the third year of funding. Funding is available to only 40 communities throughout the United States and must be received by the Department of Transportation no later than April 22, 2002. There is no published date for the Department of Transportation to respond. However, it is anticipated that their response will be forthcoming and confirmed within 90 days of submission.

It is proposed that the money will be used to support the Airport Image Campaign, the Co-op Advertising Program, New Carrier Start-up Support, Consultant Studies, Travel and Direct Sales Effort related to the Wichita Catchment Air Service Strategic Plan.

The current strategic program is 100% locally funded. If the application is successful in bringing a grant to Wichita, the number of federal dollars granted will reduce the local funds currently needed to pay for the program. The federal dollars granted will be used to reduce future expenditures on a reimbursement basis up to a maximum of the grant award.

Motion --
-- carried

Knight moved that the proposal be approved and submission to the Department of Transportation be authorized. Motion carried 6 to 0. (Gale absent)

ADJOURNMENT

The City Council meeting adjourned at 10:51 a.m.

Pat Burnett CMC
City Clerk